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ILLINOIS  
SCHOOL LAW.

1897-1898.

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# THE ILLINOIS SCHOOL LAW.

1889-1897.

AN ACT TO ESTABLISH AND MAINTAIN A

# SYSTEM OF FREE SCHOOLS.

APPROVED MAY 21, 1889.

*Including Additional Acts Relative to Schools and School Officers, with an Appendix Containing Acts Establishing State Normal Schools, and Providing for County Normal Schools, and Some Principles of Illinois School Law taken from the Twenty-first Biennial Report of the Department of Public Instruction, with such Changes and Additions as are Made Necessary by Recent Decisions of the Supreme Court, and by School Legislation of the Fortieth General Assembly.*

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## EXTRACTS FROM THE CONSTITUTION OF ILLINOIS.

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### ARTICLE V.

SECTION 1. The executive department shall consist of a Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent of Public Instruction and Attorney General, who shall each with the exception of the Treasurer hold his office for the term of four years, from the second Monday of January next after his election and until his successor is elected and qualified. They shall, except the Lieutenant Governor, reside at the seat of government during their term of office, and keep the public records, books and papers there, and shall perform such duties as may be prescribed by law.

### ARTICLE VIII.

#### EDUCATION.

SECTION 1. The General Assembly shall provide a thorough and efficient system of free schools, whereby all children of this State may receive a good common school education.

§ 2. All lands, moneys, or other property, donated, granted or received for school, college, seminary or university purposes, and the proceeds thereof, shall be faithfully applied to the objects for which such gifts or grants were made.

§ 3. Neither the General Assembly nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money or other personal property ever be made by the State or any such public corporation, to any church, or for any sectarian purpose.

§ 4. No teacher, State, county, township, or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture used, or to be used, in any school in this State, with which such officer or teacher may be connected, under such penalties as may be provided by the General Assembly.

§ 5. There may be a county superintendent of schools in each county, whose qualifications, powers, duties, compensation and time and manner of election, and term of office, shall be prescribed by law.

# AN ACT TO ESTABLISH AND MAINTAIN A SYSTEM OF FREE SCHOOLS.

## ARTICLE I.

### STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

§ 1. Time of election and term of office.

§ 2. Oath and bond.

§ 3. Salary and office expenses.

§ 4. Duties defined.

§ 5. Powers defined.

§ 6. Liabilities.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That at the election to be held on Tuesday after the first Monday of November, in the year of our Lord one thousand eight hundred and ninety, and quadrennially thereafter, there shall be elected by the legal voters of this State, a State Superintendent of Public Instruction, who shall hold his office for four years from the second Monday in January next after his election, and until his successor is duly elected and qualified.

§ 2. Before entering upon his duties, he shall take and subscribe the oath of office prescribed by the Constitution, and shall also execute a bond, in the penalty of twenty-five thousand dollars (\$25,000), payable to the People of the State of Illinois, with securities to be approved by the Governor, conditioned for the prompt discharge of his duties as Superintendent of Public Instruction, and for the faithful application and disposition, according to law, of all school moneys that may come into his hands by virtue of his office. Said bond and oath shall be deposited with the Secretary of State, and an action may be maintained thereon by the State at any time for a breach of the conditions thereof.

§ 3. And the said State Superintendent shall receive, annually, such sum as may be provided by law, as a salary for the services required under the provisions of this act, or any other law that may be passed, and also all necessary contingent expenses for books, postage and stationery pertaining to his office, to be audited and paid by the State as the salaries and contingent expenses of other officers are paid.

§ 4. It shall be the duty of the said State Superintendent of Public Instruction—

*First*—To keep an office at the seat of government of the State.

*Second*—To file all papers, reports and public documents transmitted to him by the school officers of the several counties, each year separately.

*Third*—To keep and preserve all other public documents, books and papers relative to schools, coming into his hands as State Superintendent, and to hold the same in readiness to be exhibited to the Governor, or to any committee of either house of the General Assembly.

*Fourth*—To keep a fair record of all matters pertaining to the business of his office.

*Fifth*—To pay over, without delay, all sums of money which may come into his hands by virtue of his office, to the officer or person entitled to receive the same, in such manner as may be prescribed by law.

*Sixth*—To counsel and advise in such manner as he may deem most advisable, with experienced and practical school teachers, as to the best manner of conducting common schools.

*Seventh*—To supervise all the common and public schools in the State.

*Eighth*—To be the general adviser and assistant of county superintendents of schools in this State.

*Ninth*—To address circular letters to county superintendents, from time to time, as he shall deem for the interests of schools, giving advice as to the best manner of conducting schools, constructing school houses, furnishing the same, examining and procuring competent teachers.

*Tenth*—To, on or before the 1st day of November preceding each regular session of the General Assembly, report to the Governor the condition of the schools in the several counties of the State; the whole number of schools which have been taught in each county in each of the preceding years, commencing on the 1st of July; what part of said number have been taught by males exclusively, and what part by females exclusively; what part of said whole number have been taught by males and females at the same time, and what part by males and females at different periods; the number of scholars in attendance at said schools; the number of persons in each county under twenty-one years of age, and the number of such persons between the ages of twelve and twenty-one years that are unable to read and write; the amount of township and county funds; the amount of the interest of the State or common school fund, and of the interests of the township and county fund annually paid out; the amount raised by an *ad valorem* tax; the whole amount annually expended for schools; the number of school houses, their kind and condition; the number of townships and parts of townships in each county; the number and description of books and apparatus purchased for the use of schools and school libraries under the provisions of this act, the price paid for the same, the total amount purchased, and what quantity and how distributed, the number and condition of the libraries, together with such other information and suggestions as he may deem important in relation to the school laws, schools and the means of promoting education throughout the State; which report shall be laid before the General Assembly at each regular session.



*Eleventh*—To make such rules and regulations as may be necessary and expedient to carry into efficient and uniform effect the provisions of this act, and of all the laws which now are or may hereafter be in force for establishing and maintaining free schools in this State.

*Twelfth*—To be the legal adviser of all school officers, and, when requested by any such school officers, to give his opinion in writing upon any question arising under the school laws of this State.

*Thirteenth*—To hear and determine all controversies arising under the school laws of this State, coming to him by appeal from a county superintendent, upon a written statement of facts certified by the county superintendent.

*Fourteenth*—To receive and file all proper reports made to him from time to time by the several county superintendents of this State as required by article II of this act.

*Fifteenth*—To grant State certificates to such teachers as may be found worthy to receive them, as provided for in section 2 of article VII of this act.

*Sixteenth*—To be *ex officio* a member of the board of trustees of the University of Illinois and of the Southern Normal University.

*Seventeenth*—To be *ex officio* a member of the Board of Education of the State of Illinois, and to act as secretary thereof.

*Eighteenth*—To report to the General Assembly of Illinois, at its regular session, the condition and expenditures of the Normal University, and such other information as may be directed by the Board of Education of the State of Illinois or by the General Assembly of this State.

*Nineteenth*—To visit such of the charitable institutions of this State as are educational in their character, and to examine their facilities for instruction, and to prescribe forms for such reports as he may desire from the superintendents of such charitable institutions.

§ 5. The said State Superintendent of Public Instruction shall be clothed with the following powers—

*First*—To direct and cause the county superintendent of any county, directors or boards of trustees or township treasurer of any township, or other school officer, to withhold from any officer, township, district or teacher, any part of the common school, or township, or other school fund, until such officer, township treasurer or teacher shall have made all schedules, reports and returns required of him by this act, and until such officers shall have executed and filed all official bonds and accounted for all common school or township or other school funds which have heretofore come into his hands, as required of him by this act.

*Second*—To require the several county superintendents of this State to furnish him with such information relating to their several offices as he may desire to embody in his report to the General Assembly of this State.

*Third*—To require the board of trustees of each township in this State to make, at any time he may desire, a report similar to the report required to be made by such trustees on or before the fifteenth day of July preceding each regular session of the General Assembly of this State, as provided for in section 28 of article III of this act.

*Fourth*—Upon the recommendation of the county superintendent, or for good and sufficient reasons, to remit the forfeiture of the school fund by any township which may have failed to make the reports required by law.

*Fifth*—To determine and designate the particular statistics relating to schools which the inferior officers shall report to the county superintendent for the use of his office.

*Sixth*—To authorize the several county superintendents to procure such assistance as may be necessary to conduct county teachers' institutes for not less than five days in each year.

*Seventh*—To require annual reports from the authorities of incorporated towns, townships, cities or districts holding schools by authority of special charters to the same extent as regular school officers are or may be required to make such reports.

*Eighth*—To require the president, principal or other proper officer of every organized university, college, seminary, academy or other literary institution, whether incorporated or unincorporated, or hereafter to be incorporated in this State, to make out such report as he may require in order that he may lay before the General Assembly a fair and full exhibit of the affairs and conditions of such institutions and of the educational resources of the State.

*Ninth*—To require the Auditor of Public Accounts to withhold from the county superintendent of any county the amount due any such county for its share of the interest on State school fund, or said county superintendent for his per diem compensation, until the report provided for in section 17 of article II of this act shall have been furnished as therein required.

§ 6. The said State Superintendent of Public Instruction shall not be interested in the sale, proceeds or profits of any book, apparatus or furniture used, or to be used, in any school in this State, and for offending against the provisions of this section he shall be liable to indictment, and upon conviction shall be fined in a sum not less than twenty-five nor more than five hundred dollars, and may be imprisoned in the county jail not less than one month nor more than twelve months, at the discretion of the court.

## ARTICLE II.

## COUNTY SUPERINTENDENTS.

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| § 1. Time of election and term of office.<br>§ 2. Oath and bond.<br>§ 3. Form of bond.<br>§ 4. Obligors bound jointly and severally.<br>§ 5. Supervisors may require a new bond.<br>§ 6. Office and supplies.<br>§ 7. Liable to removal. (Repeal.)<br>§ 8. Vacancies.<br>§ 9. Time limited.<br>§ 10. Assistants.<br>§ 11. Commissions and per diem.<br>§ 12. Itemized bills and warrants from Auditor.<br>§ 13. Duties defined. | § 14. Powers defined.<br>§ 15. Record of land sales.<br>§ 16. Report to county board.<br>§ 17. Report to State Superintendent.<br>§ 18. Collecting statistics, and suit against trustees as individuals.<br>§ 19. Approval of township treasurer's bond, and delivery of written statement to the township treasurer.<br>§ 20. Apportionment of funds to townships.<br>§ 21. Loaning of county fund.<br>§ 22. Appeal to the State Superintendent.<br>§ 23. Delivery of money, books, papers, etc., to successor in office. |
|---|--|

SECTION 1. On Tuesday next after the first Monday in November, A. D., 1890, and quadrennially thereafter, there shall be elected by the qualified voters of every county in this State, a county superintendent of schools, who shall perform the duties required by law, and shall enter upon the discharge of his duties on the first Monday of December after his election.

§ 2. He shall, before entering upon his duties, take the oath prescribed by the Constitution, and execute a bond payable to the People of the State of Illinois, with two or more responsible freeholders as security, to be approved by the county board or by the judge and clerk of the county court, in a penalty of not less than twelve thousand dollars (\$12,000), to be increased at the discretion of the said county board, conditioned that he will faithfully perform all the duties of his office according to the laws which are or may be in force during his term of office.

§ 3. The bond required in the foregoing section shall be in the following form, viz.:

STATE OF ILLINOIS, )  
 ..... County. ) ss.

Know all men by these presents, that we, A B, C D and E F, are held and firmly bound, jointly and severally, unto the People of the State of Illinois, in the penal sum of ..... dollars, to the payment of which we bind ourselves, our heirs, executors and administrators firmly by these presents.

In witness whereof we have hereunto set our hands and seals this ..... day of ..... A. D. 18....

The condition of the above obligation is such, that if the above bounden A B, County Superintendent of the county aforesaid, shall faithfully discharge all the duties of such office, according to the laws which now are and may hereafter be in force, and shall deliver over to his successor in office all moneys, books, papers and property in his hands, as such County Superintendent, then this obligation to be void, otherwise to remain in full force and virtue.

A B [Seal.]

C D [Seal.]

E F [Seal.]

And which bond shall be filed in the office of the County Clerk.

§ 4. The obligors in such bond shall be bound jointly and severally, and upon it an action or actions may be maintained by the board of trustees of the proper township, or any other corporate body interested, for the benefit of any township or fund injured by any breach of the conditions thereof.

§ 5. If a majority of the county board shall be satisfied, at any time, that the bond of said County Superintendent is insufficient, it shall be the duty of such superintendent, upon notice being given to him by the clerk of such board, to execute a new bond, conditioned and approved as the first bond: *Provided*, that the execution of such new bond shall not affect the old bond or the liability of the securities thereon.

§ 6. It shall be the duty of the county board of the county to provide the said county superintendent with a suitable office, with necessary furniture and office supplies, as is done in the case of other county officers.

§ 7. The said county superintendent shall be liable to removal by the county board for any palpable violation of law or omission of duty. [Repealed by act approved June 15, 1893.]

§ 8. When the office of county superintendent shall become vacant by death, resignation, the removal of the incumbent by the county board, or otherwise, the county board shall fill the vacancy by appointment, and the person so appointed shall hold his office until the next election of county officers, at which election the county board shall order the election of a successor.

§ 9. In counties having not more than one hundred (100) schools, the county board may limit the time of the superintendent: *Provided*, that in counties not having more than fifty (50) schools, the limit of time shall not be made less than one hundred and fifty (150) days a year; in counties having from fifty-one (51) to seventy-five (75) schools, not less than two hundred (200) days a year; and in counties having from seventy-six (76) to one hundred (100) schools, not less than two hundred and fifty (250) days a year.

§ 10. The county superintendent may, with the approval of the county board, employ such assistant or assistants as he needs for the full discharge of his duties. Such assistants shall be persons of good attainments, versed in the principles and methods of education, familiar with public school work, and competent to visit schools. Such assistants shall receive such compensation as may be fixed by the county board.



§ 11. County superintendents shall receive in full, for all services rendered by them, commissions as follows: Three per cent. commission upon the amount of sales of school lands, or sales of land upon mortgage, or of sales of real estate taken for debt, including all services therewith. Two per cent. commission upon all sums distributed, paid or loaned out by them for the support of schools. For all other duties required by law to be performed by them, four dollars (\$4) a day for such number of days as shall be spent in the actual performance of their duties, not exceeding the number fixed by the county boards in counties in which the boards are given power to fix the number of days by section 9 of this article of this act, and one dollar (\$1) a day for expenses for the number of days actually spent in school visitation.

§ 12. The county superintendents shall present, under oath or affirmation, their itemized bills for their per diem compensation and for the expenses allowed by this article of this act, when visiting schools, together with a report of all their acts as such county superintendent, or assistant, including a list of all the schools visited, with the dates of visitation, to the county board, at the annual meeting of such county board in September, and as near quarterly thereafter as such board may have regular or special meetings, and after the bills have been audited by the county board, the county clerk shall certify to such auditing upon the bills, and transmit them to the Auditor of Public Accounts, who shall, upon receipt of them, remit in payment thereof to each superintendent his warrant upon the State Treasurer for the amount certified to be due him. The said Auditor, in making his warrant to any county for the amount due it from the State school fund, shall deduct from it the several amounts for which warrants have been issued to the county superintendent of said county since the next preceding apportionment of the State school fund.

§ 13. It shall be the duty of each county superintendent of schools in this State—

*First*—To sell township fund lands, issue certificates of purchase, report to the county board and State Auditor, and perform all other duties pertaining thereto, as required by article XIII of this act.

*Second*—To register applicants for admission to the State Normal Universities and to the University of Illinois, and to assist in the examination of the same as directed by the State Board of Education or other proper authorities.

*Third*—To visit each school in the county at least once a year, and in the performance of this duty, he shall spend at least half the time given to his office, and more, if practicable, in visiting ungraded schools.

*Fourth*—To note, when visiting schools, the methods of instruction, the branches taught, the text-books used, and the discipline, government and general condition of the schools.

*Fifth*—To give to teachers and school officers such directions in the science, art and methods of teaching and courses of study as he may deem expedient and necessary.

*Sixth*—To act as the official adviser and constant assistant of the school officers and teachers of his county; and, in the performance of this duty, he shall faithfully carry out the advice and instruction of the State Superintendent of Public Instruction.

*Seventh*—To conduct, as provided for in section 10 of article VII of this act, a teachers' institute, and to aid and encourage the formation of other teachers' meetings, and to assist in their management.

*Eighth*—To labor in every practicable way to elevate the standard of teaching, and improve the condition of the common schools of his county.

*Ninth*—To examine, at least once each year, all books, accounts and vouchers of every township treasurer in his county, and if he finds any irregularities in them, he shall at once report the same in writing to the board of trustees, whose duty it shall be to take, immediately, such action as the case demands.

*Tenth*—To examine all notes, bonds, mortgages, and other evidences of indebtedness which the township treasurer holds officially, and if he finds that if the papers are not in proper form, or that the securities are insufficient, he shall so state in writing to the board of trustees.

*Eleventh*—To give notice of the election of trustees in cases such as those provided for in section 15 of article III of this act.

*Twelfth*—To file and safely keep the poll books and returns of any election required to be returned to the county superintendent by any provision of this act.

*Thirteenth*—To investigate and determine all matters pertaining to the change in the boundaries of school districts, which may come to him by appeal from the decision of the school trustees, and to notify the township treasurer, from whom the papers relating to the matter were received, of his decision of the matter.

*Fourteenth*—To give notice of the election of school directors in cases such as are provided for in section 9 of article V of this act.

*Fifteenth*—To hold meetings, at least quarterly, for the examination of teachers, as provided for in section 7 of article VII of this act.

*Sixteenth*—To grant certificates of qualification to such persons as may be qualified to receive them, as provided for in section 3 of article VII of this act; and to keep a record of all teachers to whom such certificates have been granted, as provided for by section 4 of article VII of this act; and to keep a record of all teachers employed in teaching in his county.

*Seventeenth*—To keep a just and true account of all moneys received and all moneys paid out on account of the "institute fund," and make report thereof to the county board, as provided for in section 9 of article VII of this act.

*Eighteenth*—To present to the county board of the county, at the first regular meeting thereof, annually, the report required by section 3 of article XI of this act.



*Nineteenth*—To notify presidents of boards of trustees and clerks of school districts, on or before September 30, annually, of the amount of money paid by him to the township treasurer, and the date of such payments.

*Twentieth*—To receive and file, on or before the 15th day of July preceding each regular session of the General Assembly, and at such other time as may be required by the State or county superintendent, a statement from the board of trustees of each township, giving such statistics and information as may be called for.

§ 14. The said county superintendent shall have power—

*First*—To require the board of trustees of each township in his county to make, at any time he may desire, the report provided for in section 28 of article III of this act.

*Second*—To recommend to the State Superintendent the remission of the penalty provided for a failure by the trustees of schools to make the reports provided for by law.

*Third*—To renew teachers' certificates at their expiration by his indorsement thereon

*Fourth*—To revoke the certificate of any teacher for immorality, incompetency, or other just cause.

*Fifth*—To direct in what manner township treasurers shall keep their books and accounts.

*Sixth*—To bring suit against the county collector for a failure to pay State Auditor's warrant, as provided for in section 5 of article XII of this act.

*Seventh*—To remove any school director from office for a willful failure to perform the duties of his office.

*Eighth*—To lease and sell real estate in cases provided for in section 26 of article XIII of this act, in the manner therein specified.

§ 15. The said county superintendent shall provide three well bound books, which shall be paid for from the county treasury. These books shall be known and designated by the letters A, B, C for the following purposes: In book "A" he shall record at length all petitions presented to him for the sale of common school lands, and the plats and certificates of valuation made by or under the direction of the trustees of schools, and the affidavits in relation to the same. In book "B" he shall keep an account of all sales of common school lands, which account shall contain the date of sale, name of purchaser, description of land sold and the sum sold for. In book "C" he shall keep a regular account of all moneys received for lands sold or otherwise, and loaned or paid out; the persons from whom received, and on what account, and showing whether it is principal or interest; the person to whom loaned, the time for which the loan was made, the rate of interest, the names of the sureties, when personal security is taken, or if real estate is taken as security, a description of the real estate; and if paid out, to whom, when, and on what account, and the amount paid out; the list of sales and the account of each township fund to be kept separate.

§ 16. The county superintendent shall report, in writing, to the county board, at their regular meeting in September of each year, giving first, the balance on hand at the time of the last report and a statement in detail of all receipts since that date, and the sources from which they were derived: second, the amount paid for expenses; third, the amount of his commissions; fourth, the amount distributed to each of the township treasurers in his county; fifth, any balance on hand. He shall also present for inspection at the same time his books and vouchers for all expenditures, and all notes or other evidences of indebtedness which he holds officially, with the securities of the same: and he shall give in writing a statement of the condition of the county fund, of the institute fund, and of any township fund of which he may have the custody.

§ 17. On or before the 15th day of August before each regular session of the General Assembly of this State, or annually, if so required by the State Superintendent of Public Instruction, the county superintendent shall communicate to said State Superintendent all such information and statistics upon the subject of schools in his said county as the said State Superintendent is bound to embody in his report to the Governor, and such other information as the State Superintendent shall require.

§ 18. In all cases where the township board of trustees of any township shall fail to prepare and forward, or cause to be prepared and forwarded to the county superintendent, the information and statistics required of them in this act, it shall be the duty of the said county superintendent to employ a competent person to take the enumeration and furnish such statistical statement, as far as practical, to the superintendent: and such person so employed shall have free access to the books and papers of said township to enable him to make such statement: and the township treasurer, or other officer or person in whose custody such books and papers may be, shall permit such person to examine such books and papers at such times and places as such person may desire for the purposes aforesaid; and the said county superintendent shall allow, and pay to the person so employed by him, for the services, such amount as he may judge reasonable out of any money which is or may come into said superintendent's hands, apportioned as the share of or belonging to such township: and the said county superintendent shall proceed to recover and collect the amount so allowed or paid for such services, in a civil action before any justice of the peace in the county, or before any court having jurisdiction, in the name of the People of the State of Illinois, of and against the trustees of schools of said township, in their individual capacity; and in such suit or suits the said county superintendent and township treasurer shall be competent witnesses; and the money so recovered, when collected, shall be paid over to the county superintendent for the benefit of said township, to replace the money taken as aforesaid.

§ 19. Whenever the bond of any township treasurers approved by the board of trustees of schools, as required by law, shall be delivered to the county superintendent, he shall carefully examine the same, and if the instrument is found in all respects to be according to law,

and the securities good and sufficient, he shall endorse his approval thereon, have it recorded in the circuit clerk's office, and file the same with the papers of his office; but, if said bond is in any respect defective, or if the penalty is insufficient, he shall return it for correction. When the bond shall have been duly received and filed, the superintendent shall, on demand, deliver to said township treasurer a written statement certifying that his bond has been approved and filed, and that said township treasurer is entitled to the care and custody, on demand, of all moneys, bonds, mortgages, notes and securities, and all books, papers and property of every description belonging to said township.

§ 20. Upon the receipt of the amount due upon the Auditor's warrant, the county superintendent shall apportion said amount, also the interest on the county fund and the fines and forfeitures, to the several townships and parts of townships in his county, in which townships or parts of townships schools have been kept in accordance with the provisions of this act, and with the instructions of the State and county superintendents, according to the number of children, under twenty-one years of age, returned to him, and shall pay over the distributive share belonging to each township and fractional township, to the respective township treasurers, or other authorized person, annually: *Provided*, that no part of the State, county or other school fund shall be paid to any township treasurer or other person authorized by said treasurer, unless said township treasurer has filed his bond, as required by section 1 of article IV of this act, nor in case said treasurer is re-appointed by the trustees, unless he shall have renewed his bond and filed the same as aforesaid.

§ 21. The county superintendent may loan any money, not interest, belonging to the county fund, or to any township fund, before the same is called for, according to law, by the township treasurer, at the same rate of interest, upon the same security and for the same length of time as is provided by this act in relation to the township treasurers, and apportion the interest as provided in the preceding section; and notes and mortgages taken in the name of the "county superintendent" of the proper county are hereby declared to be as valid as if taken in the name of "trustees of schools" of the proper township, and suits may be brought in the name of "county superintendents," on all notes and mortgages heretofore or hereafter made payable to the county superintendents.

§ 22. In all controversies arising under the school law, the opinion and advice of the county superintendent shall first be sought, whence appeal may be taken to the State Superintendent of Public Instruction upon a written statement of facts certified by the county superintendent.

§ 23. The county superintendent, upon his removal or resignation, or at the expiration of his term of office (or in case of his death, his representatives) shall deliver over to his successor in office, on demand, all moneys, books, papers and personal property belonging to the office or subject to the control or disposition of the county superintendent.

## ARTICLE III.

## TOWNSHIP—TRUSTEES OF SCHOOLS.

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| <ul style="list-style-type: none"> <li>§ 1. School township.</li> <li>§ 2. Fractional townships consolidated.</li> <li>§ 3. School business of the township.</li> <li>§ 4. Trustees a body politic.</li> <li>§ 5. Annual election.</li> <li>§ 6. Term of office.</li> <li>§ 7. Age, residence and eligibility.</li> <li>§ 8. Notice of election, and form of election notice.</li> <li>§ 9. Election in certain cases to be held on any Saturday, and notice to be given by county clerk.</li> <li>§ 10. Trustees draw lots for their terms of office in certain cases.</li> <li>§ 11. Judges of election.</li> <li>§ 12. Qualification of voters.</li> <li>§ 13. Conduct of elections; contesting elections; polls may be closed at 4 p. m.</li> <li>§ 14. Judges may postpone election.</li> <li>§ 15. County superintendent to order election.</li> <li>§ 16. Vacancies.</li> <li>§ 17. Tie at an election.</li> <li>§ 18. More than one polling place; canvassing the returns and making out a certificate.</li> <li>§ 19. Election when township is same as town.</li> <li>§ 20. Poll book; failure to deliver the same.</li> <li>§ 21. County clerks to furnish list of trustees elected at town meetings.</li> <li>§ 22. Organization; appointment of president and treasurer.</li> <li>§ 23. Term of office of president and treasurer; their removal.</li> <li>§ 24. Record of proceedings.</li> <li>§ 25. Meetings of trustees and quorum.</li> <li>§ 26. Distribution to districts; basis of the same.</li> <li>§ 27. Funds placed to the credit of districts.</li> <li>§ 28. Report to county superintendent; items; forfeiture for failure to report.</li> <li>§ 29. Separate enumeration; statistics not divisible.</li> </ul> | <ul style="list-style-type: none"> <li>§ 30. Examination of township treasurer's books, etc., by trustees.</li> <li>§ 31. Gifts, grants, etc.; title of school houses.</li> <li>§ 32. Sale of school house; form of notice of sale.</li> <li>§ 33. Conveyance of real estate; how made.</li> <li>§ 34. Township treasurer custodian of bonds; power to remove or sue that official.</li> <li>§ 35. Power to purchase real estate in satisfaction of judgments.</li> <li>§ 36. Power to make settlements.</li> <li>§ 37. Power to lease land, or sell at public auction.</li> <li>§ 38. Township high school, and form of notice for high school election.</li> <li>§ 39. Ballots for high school election.</li> <li>§ 40. Election for members of township board of education; term of office; vacancies; organization of the board, and establishment of the school.</li> <li>§ 41. Powers of township board of education.</li> <li>§ 42. Parts of two or more townships may join in establishing a high school.</li> <li>§ 43. Discontinuance of township high school.</li> <li>§ 44. Canvass of ballots, and disposition of assets.</li> <li>§ 45. Interests in school books; penalties.</li> <li>§ 46. Districts in newly organized townships.</li> <li>§ 47. Changes in district boundaries.</li> <li>§ 48. Who may petition.</li> <li>§ 49. Districts having less than 100,000 inhabitants, even under special charter, may vote to change boundaries.</li> <li>§ 50. Filing of the petition; notice to the districts and form of notice.</li> <li>§ 51. Territory lying in two or more townships.</li> <li>§ 52. Adjournment of the board.</li> <li>§ 53. Acting upon the petition.</li> <li>§ 54. Appeal and form of notice.</li> <li>§ 55. Clerks transmit papers to the county superintendent.</li> </ul> |
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| § 56. Appeal in case of territory divided by county lines.                    | § 63. Distribution of funds.                                       |
| § 57. Filing map and list of taxpayers.                                       | § 64. Appraisement of property.                                    |
| § 58. District with a bonded debt.  | § 65. Liability of trustees in reference to distribution of funds. |
| § 59. Election in new districts, and form of notice.                          | § 66. Liability of clerk.  |
| § 60. Conduct of election.  | § 67. District failing to have school for two years.               |
| § 61. Organization of board.  | § 68. Dissolution of union district.                               |
| § 62. Election in districts organized by action of the county superintendent. | § 69. Successors to trustees of school lands.                      |

SECTION 1. Each congressional township is hereby established a township for school purposes.

§ 2. Whenever any fractional township contains less than two hundred (200) persons under twenty-one years of age, the trustees thereof, upon petition of a majority of the adult inhabitants of such fractional township, may, by written agreement entered into with the board of trustees of any adjacent township, consolidate the territory, school funds and other property of such fractional township with such adjacent township, and thereafter shall cease to exercise the functions of school trustees for such fractional township; and such territory, school funds and other property, aforesaid, shall thereafter be managed by the board of trustees of such adjacent and consolidated township, in accordance with the terms of agreement aforesaid, in the same manner as is, or may be provided by law, for the management of territory, funds and other property of school townships: *Provided*, that the said written agreement shall be duly signed by a majority of the said trustees, and filed for record by the said trustees in the office of the county clerk of the county in which such consolidated township, or the greater part thereof, is situated. [As amended June 21, 1895.]

§ 3. The school business of the township shall be done by three trustees, to be elected by the legal voters of the township, as hereinafter provided for.

§ 4. Said trustees shall be a body politic and corporate, by the name and style of "trustees of schools of township No. . . . range No. . . .," according to the number. The said corporation shall have perpetual existence, shall have power to sue and be sued, to plead and be impleaded in all courts and places where judicial proceedings are had.

§ 5. The election of trustees of schools shall be on the second Saturday in April, annually.

§ 6. At the first regular election of trustees, after the passage of this act, a successor to the trustee, whose term of office then expires, shall be elected, and thereafter one trustee shall be elected annually. Said trustees shall continue in office three years, and until their successors are elected and enter upon the duties of their office.

§ 7. No person shall be eligible to the office of trustee of schools unless twenty-one years of age, and a resident of the township. And

where there are three or more school districts in any township, no two trustees shall reside, when elected, in the same school district, nor shall a person be eligible to the office of trustee of schools and school director at the same time.

§ 8. Notice of the election of school trustee shall be given by the township treasurer, upon the order of the trustees of schools, by posting notices of such election, at least ten days previous to the time of such election, in not less than five of the most public places in said township, which notices shall specify the time and place of election and the object thereof, and may be in the following form, viz.:

Public notice is hereby given that on Saturday, the ..... day of April, A. D. ...., an election will be held at ....., between the hours of ..... and ..... of said day, for the purpose of electing ..... school trustee for township No. .... range No. .... By order of the board of trustees of said township.

.....,

*Township Treasurer.*

§ 9. In townships where no election for school trustees has heretofore been held, or in townships where, from any cause, there are no trustees of schools, the election of trustees of schools may be holden on any Saturday, notice thereof being given as required by section 8 of this article. The first election in such township shall be ordered by the county clerk of the county, who shall cause notice to be given as aforesaid.

§ 10. In case of an election held, as required by the preceding section, the trustees elected, at their first meeting, shall draw lots for their respective terms of office for one, two and three years; and thereafter one trustee shall be elected annually, at the usual time for electing trustees, to fill the vacancy occurring. At all elections after said first election, the said notice shall be given by the trustees of schools, through the township treasurer, as in other elections for trustees.

§ 11. The trustees of schools of incorporated townships present shall act as judges, and choose a person to act as clerk of said election. If the trustees (or any of them) shall fail to attend, or refuse to act when present, the legal voters present shall choose from their own number such additional judges as may be necessary. In any township lying within the limits of a city, village or incorporated town, which has adopted the provisions of "An act regulating the holding of elections, and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, the said election shall be held under the provisions of said act. In unincorporated townships, the qualified voters present shall choose, from amongst themselves, the number of judges required to open and conduct said election.

§ 12. No person shall vote at any school election held under the provisions of this act, unless he possesses the qualifications of a voter at a general election.



§ 13. The time and manner of opening, conducting and closing said election, and the several liabilities appertaining to the judges and clerks and to the voters, separately and collectively, and the manner of contesting said election, shall be the same as prescribed by the general election laws of this State defining the manner of electing magistrates and constables, so far as applicable, subject to the provisions of this act: *Provided*, that said election may commence, if so specified in the notice, at any hour between the hours of eight (8) o'clock a. m., and one (1) o'clock p. m., and the judges may close such election at four (4) o'clock p. m.

§ 14. If, upon any day appointed for the election of trustees of schools, the said trustees of schools or judges shall be of opinion that, on account of the small attendance of voters, the public good requires it, or if a majority of the voters present shall desire it, they shall postpone said election until the next Saturday, at the same place and hour, at which time and meeting the voters shall proceed as if it were not a postponed or adjourned meeting: *Provided*, that if notice shall not have been given of such election, as required by section 8 of this article, then and in that case said election may be ordered as aforesaid, and holden on any other Saturday, notice thereof being given as aforesaid.

§ 15. If the township treasurer shall fail or refuse to give notice of the regular election of trustees, as required by said section 8 of this article, and if, in case of a vacancy, the remaining trustee or trustees shall fail or refuse to order an election to fill such vacancy, as required by section 16 of this article, then, and in each of such cases, it shall be the duty of the county superintendent to order an election of trustees to fill such vacancies as aforesaid, and all elections so ordered and held shall be valid to all intents and purposes whatever.

§ 16. When a vacancy or vacancies shall occur in the board of trustees of schools, the remaining trustee or trustees shall order an election to fill such vacancy, upon any Saturday, notice to be given as required by said section 8 of this article.

§ 17. In case of a tie vote at any election of trustees of schools, the election shall be determined by lot, on the day of the election, by judges thereof.

§ 18. In townships where, for general elections, there are more than two (2) polling places, the trustees shall give notice that polls will be opened for such elections in at least two places: in which case at least one of said trustees shall attend at each of said places, and additional judges shall be chosen as provided in section eleven (11) of this article: *Provided*, there shall be at least one polling place for each eight hundred legal voters in said township. Should the polling places be in excess of the number of trustees, then the voters at such polling places so in excess shall select from their number the requisite number of voters, who shall act as judges of said election in the manner provided by said section eleven (11) for the election of trustees in unincorporated townships. Said judges shall return the ballots and original poll-books, with a certificate thereon,

showing the result of the election in said precinct, to the township treasurer of the township in which said election shall be held, whereupon it shall be the duty of the board of trustees of said township, within five days after said election, to meet and to canvass the returns from each precinct, to make out a certificate showing the number of votes cast for each person in each precinct, and in the whole township, and shall file said certificate with the county superintendent of schools as otherwise provided by law.

§ 19. In counties adopting township organization, in each and every township whose boundaries coincide and are identical with those of the town, as established under the township organization laws, the trustee or trustees shall be elected at the same time and in the same manner as the town officers. In all such townships, if no trustees are elected at the stated town meeting, and when vacancies occur in the board, an election of trustee or trustees shall be ordered by the remaining trustee or trustees of schools, through the township treasurer, as provided for in section nine (9) of this article.

§ 20. Upon the election of trustees of schools, the judges of the election shall, within ten (10) days thereafter, cause a copy of the poll-book of said election to be delivered to the county superintendent of the county, with a certificate thereon showing the election of said trustees and the names of the persons elected, which copy of the poll-book, with the certificate, shall be filed by said superintendent, and shall be evidence of such election. For a failure to deliver said copy of the poll-book and certificate within the time prescribed, the judges shall be liable to a penalty of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), to be recovered in the name of the People of the State of Illinois, by action of assumpsit, before any justice of the peace of the county, which penalty, when collected, shall be added to the township school fund of the township.

§ 21. When school trustees are elected at town meetings, as provided in section nineteen (19) of this article, it shall be the duty of the county clerk, as soon as the list of the names of officers elected at the town meetings is filed with him, to give the county superintendent a list of the names of all school trustees elected at the town meetings of the county, and of the towns for which they are elected.

§ 22. Within ten days after the annual election of trustees, the board shall organize by appointing one of their number president, and some person who shall not be a director or trustee, but who shall be a resident of the township, treasurer, if there be a vacancy in this office, who shall be *ex officio* clerk of the board.

§ 23. The president shall hold his office for one year, and the treasurer for two years, and until their successors are appointed, but either of said officers may be removed by the board for good and sufficient cause.

§ 24. It shall be the duty of the president to preside at all meetings of the board and it shall be the duty of the clerk to be present at all meetings of the board, and to record in a book to be provided

For the purpose all of their official proceedings, which book shall be a public record, open to the inspection of any person interested therein. All of said proceedings when recorded shall be signed by the president and clerk. If the president or clerk shall be absent or refuse to perform any of the duties of his office at any meeting of the board, a president or clerk *pro tem.* may be appointed.

§ 25. It shall be the duty of the board of trustees to hold regular semi-annual meetings on the first Mondays of April and October, and special meetings may be held at such other times as they think proper. Special meetings of the board may be called by the president or any two members thereof. At all meetings two members shall be a quorum for business.

§ 26. At the regular semi-annual meetings on the first Mondays of April and October, the trustees shall ascertain the amount of State, county and township funds on hand and subject to distribution, and shall apportion the same as follows:

*First*—Whatever sum may be due for the compensation and the books of the treasurer, and such sum as may be deemed reasonable and necessary for dividing school lands, making plats, etc.

*Second*—And the remainder of such funds shall be divided among the districts, or fractions of districts, in which schools have been kept in accordance with the provisions of this act and the instructions of the State and county superintendents during the preceding year ending June 30, in proportion to the number of children under twenty-one (21) years of age in each.

§ 27. The funds thus apportioned shall be placed on the books of the treasurer to the credit of the respective districts, and the same shall be paid out by the treasurer on the legal orders of the directors of the proper districts in the same manner as other funds of the district are paid out.

§ 28. The board of trustees of each township in this State shall prepare, or cause to be prepared, by the township treasurer, the clerk of the board, the directors of the several districts, or other person, and forwarded to the county superintendent of the county in which the township lies, on or before the 15th day of July, preceding each regular session of the General Assembly of this State, and at such other times as may be required by the county superintendent, or by the State Superintendent of Public Instruction, a statement exhibiting the condition of schools in their respective townships for the preceding biennial period, giving separately each year, commencing on the first of July and ending on the last of June, which statement shall be as follows:

*First*—The whole number of schools which have been taught in each year; what part of said number have been taught by males exclusively; what part have been taught by females exclusively; what part of said whole number have been taught by males and females at the same time, and what part by males and females at different periods.

*Second*—The whole number of scholars in attendance at all the schools, giving the number of males and females separately.

*Third*—The number of male and female teachers, giving each separately: the highest, lowest, and average monthly compensation paid to male and female teachers, giving each item separately.

*Fourth*—The number of persons under twenty-one years of age, making a separate enumeration of those above the age of twelve years who are unable to read and write, and the cause or causes of the neglect to educate them.

*Fifth*—The amount of the principal of the township fund; the amount of interest of the township fund paid into the township treasury; the amount raised by *ad valorem* tax, and the amount of such tax received into the township treasury, and amount of all other funds received into the township treasury.

*Sirth*—Amount paid for teachers' wages; the amount paid for school house lots; the amount paid for building, repairing, purchasing, renting and furnishing school houses; the amount paid for school apparatus, for books and other incidental expenses for the use of school libraries; the amount paid as compensation to township officers and others.

*Seventh*—The whole amount of the receipts and expenditures for school purposes, together with such other statistics and information in regard to schools as the State Superintendent or county superintendent may require. And any township from which such report is not received in the manner and time required by law, shall forfeit its portion of the public fund for the next ensuing year: *Provided*, that upon the recommendation of the county superintendent, or for good and sufficient reasons, the State Superintendent may remit such forfeiture.

§ 29. In all cases where a township is, or shall be divided by a county line or lines, the board of trustees of such township shall make or cause to be made separate enumerations of male and female persons of the ages as directed by section 28 of this article, designating separately the number residing in each of the counties in which such township may lie, and forward each respective number to the proper county superintendent of each of said counties; and in like manner, as far as practicable, all other statistics and information enumerated and required to be reported in the aforesaid section, shall be separately reported to the several county superintendents; and all such parts of said statistical information as are not susceptible of division and are impracticable to be reported separately, shall be reported to the county superintendent of the county in which the sixteenth section of such township is situated.

§ 30. At each semi-annual meeting, and at such other meetings as they may think proper, the said township board shall examine all books, notes, mortgages, securities, papers, moneys and effects of the corporation, and the accounts and vouchers of the township treasurer, or other township school officer, and shall make such order



thereon for their security, preservation, collection, correction of errors, if any, and for their proper management, as may seem to said board necessary.

§ 31. The trustees of schools in each township in the State may receive any gift, grant, donation or devise made for the use of any school or schools, or library, or other school purposes within their jurisdiction, and they shall be and are hereby invested, in their corporate capacity, with the title, care and custody of all school houses and school house sites: *Provided*, that the supervision and control of such school houses and school house sites shall be vested in the board of directors of the district.

§ 32. When, in the opinion of any board of directors, the school house site or any buildings have become unnecessary or unsuitable or inconvenient for a school, the board of trustees, on petition of a majority of the voters of the district, shall sell and convey the same in the name of the said board, after giving at least twenty days' notice of such sale by posting up written or printed notices thereof, particularly describing said property, and the terms of sale, which notice may be in the following form, viz.:

Public notice is hereby given that on the ..... day of..... A. D. ...., the trustees of schools of township No. ...., range No. ...., will sell at public sale, on the premises hereinafter described, between the hours of ten o'clock A. M. and three o'clock P. M., the school house situated on the school-house site, known as (here describe the site by its number, commonly known name, or other definite description), and located in the (here describe its place in the section) which sale will be made on the following terms, to wit: (here insert as "one third of the purchase money cash in hand, and the balance in two equal payments, due in one and two years from the day of sale, with interest at the rate of ..... per cent. from date.")

A. B.  
C. D.  
E. F.

*Trustees.*

And the deed of conveyance of the property so sold shall be executed by the president and clerk of said board, and the proceeds of such sale shall be paid over to the township treasurer, for the benefit of said district.

§ 33. All conveyances of real estate which may be made to said board, shall be made to said board in their corporate name, and to their successors in office.

§ 34. The township board shall cause all moneys for the use of the townships and districts to be paid over to the township treasurer, who is hereby constituted and declared to be the only lawful depositary and custodian of all township and district school funds. They shall have power also to remove the township treasurer, at any time, for any failure or refusal to execute or comply with any order or requisition of said board, legally made and entered of record, or for other improper conduct in the discharge of his duty as treasurer. They shall also have power for any failure or refusal as aforesaid to

sue him upon his official bond and recover all damages sustained by the said board in its corporate capacity, by reason of such neglect or refusal as aforesaid.

§ 35. The township trustees are hereby vested with general power and authority to purchase real estate, if in their opinion the interests of the township fund will be promoted thereby, in satisfaction of any judgment or decree wherein the said board or the county superintendent are plaintiffs or complainants; and the title of such real estate so purchased shall vest in said board for the use of the inhabitants of said township, for school purposes.

§ 36. The board of trustees are hereby vested with general power and authority to make all settlements with persons indebted to them in their official capacity; or to receive deeds to real estate in compromise; and to cancel, in such manner as they may think proper, notes, bonds, mortgages, judgments and decrees, existing or that may hereafter exist, for the benefit of the township, when the interest of said township, or of the fund concerned shall, in their opinion, require it; and their action in the premises shall be valid and binding.

§ 37. The board of trustees are hereby authorized to lease or sell at public auction, any land that may come into their possession in the manner provided for in either of the two preceding sections in such manner and on such terms as they may deem for the interests of the townships: *Provided*, that in all cases of sale of such land, the sale shall be either at the door of the court house, where judicial sales of land are usually made, or else on the premises to be sold, as the trustees may order and direct: *And, provided*, that in all cases of sale of land, as provided in this section, the sale shall be made in the manner provided for sale of the sixteenth section by section 14 of article XIII of this act.

§ 38. Upon petition of not less than fifty voters of any school township, filed with the township treasurer at least fifteen days preceding the regular election of trustees, it shall be the duty of said treasurer to notify the voters of said township that an election "For" or "Against" a township high school will be held at the said next regular election of trustees, by posting notices of such election in at least ten of the most public places throughout such township, for at least ten days before the election; which notices may be in the following form, viz.:

"HIGH SCHOOL ELECTION."

Notice is hereby given that on Saturday, the.....day of April, A. D..... an election will be held at....., for the purpose of voting "For" or "Against" the proposition to establish a township high school for the benefit of township No.....range No..... The polls for said election will be open at.....and close at.....o'clock of said day.

A. B.,

*Township Treasurer.*

*Provided*, that when any city in this State, having a population of not less than one thousand and not over one hundred thousand inhabitants, lies within two or more townships, then that township

in which a majority of the inhabitants of said city reside shall, together with said city, constitute a school township under this act for high school purposes. [As amended by act approved June 19, 1891.

§ 39. The ballots for such election shall be received and canvassed as in other elections, and may have thereon the name of the person or persons whom the voter desires for trustee or trustees.

§ 40. If a majority of the votes at such election shall be found to be in favor of establishing a township high school, it shall be the duty of the trustees of the township to call a special election on any Saturday within sixty days from the time of the election establishing the township high school, for the purpose of electing a township board of education, to consist of five members, notice of which election shall be given for the same time and in the same manner as provided for in the election of township trustees. The members elected shall determine by lot, at their first meeting, the length of term each is to serve. Two of the members shall serve for one year each, two for two years, and one for three years from the second Saturday of April next preceding their election. Whenever a vacancy occurs (except by death or resignation), a successor or successors shall be elected, each of whom shall serve for three years, which subsequent election shall be held on the same day and in the same manner as the election of township trustees. In case of vacancy from other cause than the expiration of the term of office, the board shall call an election without delay, which election may be held on any Saturday, notice of which shall be given for the same time and in the same manner as for the election of township trustees. Within ten days after their election, the members of the township board of education shall meet and organize by electing one of their number president, and by electing a secretary. It shall be the duty of the township board of education to establish at some central point most convenient to a majority of the pupils of the township, a high school for the education of the more advanced pupils.

§ 41. For the purpose of building a school house supporting the school and paying other necessary expenses, the township shall be regarded as a school district; and the township board of education shall have the power and discharge the duties of directors for such district in all respects.

§ 42. In like manner the voters and trustees of two or more adjoining townships, or parts of townships, may coöperate in the establishment and maintenance of a high school, on such terms as they may, by written agreement made and signed by the boards of trustees, enter into.

§ 43. When any township, townships or parts of townships, shall have organized a high school and wish to discontinue the same, upon petition of not less than a majority of the legal voters of said township, townships or parts of townships, filed with the township treasurers of said townships, at least fifteen days preceding the regular election of trustees, it shall be the duty of said treasurers to notify

the voters of the township, townships or parts of townships, that an election will be held on the day of said regular election of trustees for the purpose of voting "For" or "Against" discontinuing the township high school, which notice shall be given in the same manner, and for the same length of time, and may be in substantially the same form, as the notice provided for in section 38 of this article: *Provided*, that any township where a creek or river divides the same and it has been divided into towns with such creek or river as a boundary line between them, and each of said towns contains a city, and an election has been held in such township, and carried in favor of establishing a township high school, a site for which has been selected in one of said towns, and other proceedings had thereon, a petition, signed by not less than one-fourth of the voters of such township, as shown by the vote of the last general election, may be filed at any time with the township treasurer of said township for an election, for the purpose of voting "For" or "Against" discontinuing the township high school as to the town in which the site is not located. Within ten days after the filing of a petition, as aforesaid, it shall be the duty of such township treasurer to post the notices of an election to be held, according to the prayer of such petition; and if the majority of the votes cast at such election shall be in favor of discontinuing the township high school in the town where the site has not been located, the same shall be discontinued as to it. [As amended by an act approved and in force June 2, 1897.

§ 44. The ballots for such election shall be received and canvassed in the same manner as provided for in section 39 of this article. If the majority of the votes at such election shall be found in favor of discontinuing the high school, it shall be the duty of the trustees to discontinue the same, and turn all the assets of the said high school over to the school fund of the township or townships interested therein, in proportion to the assessed valuation of said townships, to be used as any other township fund for school purposes.

§ 45. No trustee of schools shall be interested in the sales, proceeds or profits of any book, apparatus or furniture used in any school in this State with which such trustee may be in any manner connected. For offending against the provisions of this section, any such trustee shall be liable to indictment, and, upon conviction, shall be fined in a sum not less than twenty-five dollars nor more than five hundred dollars, and may be imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court.

§ 46. Trustees of schools in newly organized townships shall lay off the township into one or more school districts, to suit the wishes or convenience of a majority of the inhabitants of the township, and shall prepare or cause to be prepared a map of the township, on which map shall be designated the district or districts, to be styled, when there are more districts than one, "District No. . . . , in township No. . . . , range No. . . . , of the . . . P. M. (according to the proper numbers), county of . . . . . and State of Illinois."



§ 47. In a township where such division into districts has been made, the said trustees may, in their discretion, at the regular meeting in April, when petitioned as hereinafter provided for, change such districts as lie wholly within their township, so as—

*First*—To divide or consolidate districts.

*Second* To organize a new district out of territory belonging to two or more districts.

*Third*—To detach territory from one district and add the same to another district adjacent thereto.

§ 48. No change shall be made as provided for in the preceding section, unless petitioned for—

*First*—By a majority of the legal voters of each of the districts affected by the proposed change.

*Second*—By two-thirds ( $\frac{2}{3}$ ) of the legal voters living within certain territory, described in the petition, asking that said territory be detached from one district and added to another.

*Third*—By two-thirds ( $\frac{2}{3}$ ) of all the legal voters living within certain territory, containing not less than ten (10) families, asking that said territory may be made a new district.

§ 49. In school districts having a population of not less than one thousand inhabitants, whether acting under the general school law or organized and acting under a special charter, desiring a change of boundaries, the question of such change may be submitted to the trustees by a vote of the people, instead of by the petition provided for in the preceding section; and when petitioned so to do by twenty-five legal voters of the district, the school board of the district shall submit the question of the change desired to the voters of said district, at a special election called for that purpose, and held at least thirty days prior to the regular April meeting of trustees. If a majority of the votes cast at any such election shall be in favor of the change proposed, then, due return of the election having been made to the township treasurer, the township trustees shall consider and take action the same as if petitioned therefor by a majority of the legal voters of such district: *Provided*, that no question of change of boundaries shall be submitted to a vote of the school district more than once in any year. [As amended by act approved June 18, 1891.

§ 50. No petition shall be acted upon by the board of trustees unless such petition shall have been filed with the clerk of the said board of trustees at least twenty days before the regular meeting in April, nor unless a copy of the petition, together with a notice in writing, signed by one or more of the petitioners, shall be delivered by the petitioners, or some one of them, at least ten days before the date at which the petition is to be considered, to the president or clerk of the board of directors of each district whose boundaries will be changed if the petition is granted.

Which notice may be in the following form, to-wit:

The directors in district No..... in township No....., range No.... of the .... principal meridian, will take notice that the undersigned and others have made and filed with the board of trustees of said township their petition, a copy of which is herewith handed to you.

Signed.....

§ 51. At the said April meeting, by the concurrent action of the several boards of trustees of the townships in which the district or districts affected lie, each board being petitioned as provided for in section 48 of this article, the same changes may be made in the boundaries both of districts which lie in separate townships, but adjacent to each other, and of districts formed of parts of two or more townships, as are permitted to be made in districts which lie wholly in one township.

§ 52. When, at the regular meeting of the trustees in April, any petition shall come before the trustees, asking for any change in boundaries, it shall be the duty of the trustees to ascertain if the foregoing provisions have been strictly complied with; and if it shall appear that they, or either of them, have not been complied with, then, in such case, the board shall adjourn for not longer than four weeks, in order that the foregoing provisions may be complied with, but there shall be but one adjournment for such purpose.

§ 53. If, on the day of the regular meeting, or, in case of an adjournment, at the adjourned meeting, it shall appear that such provisions have been complied with, then the trustees shall consider the petition, and shall also hear any legal voters living in the district or districts that will be affected by the change if made, who may appear before them to oppose the petition, and they shall grant or refuse the prayer of the petitioners without unreasonable delay. After the trustees shall consider the petition, no objection shall be thereafter raised as to its form, and their action shall be *prima facie* evidence that all the formal requirements have been complied with.

§ 54. The petitioners, or the legal voters who have appeared before the trustees at the meeting when the petition was considered, and opposed the same, shall have the right of appeal to the county superintendent of schools: *Provided*, that the party appealing files with the clerk of the trustees a written notice of appeal within ten days after the final action upon the petition by the trustees, which notice may be in the following form, to-wit:

To the trustees of schools, township No. ...., range No. .... of ..... county, Illinois:

You are hereby notified that the undersigned will appeal from your decision, made on the ..... day of ....., A. D. ...., granting (or refusing) the prayer of the petition in regard to (here give substance of the petition concerned) to the county superintendent of schools of ..... county, Illinois, as provided by law.

Signed .....

§ 55. When an appeal is taken from the action of the trustees to the county superintendent, the clerk of the trustees shall, within five days after the written notice of the appeal has been filed with him

by the appellants, transmit all the papers in the case, with a transcript of the records of the trustees, showing their action thereon to the county superintendent; and, in case of an appeal, the township treasurer shall be required to take no further action in the matter, except upon the order of the county superintendent, whose duty it shall be to investigate the case upon such appeal; and if, in his opinion, the change asked is for the best interest of the district or districts concerned, he shall make such change or changes, but if he considers the proposed change unadvisable, he shall refuse to make it, and shall reverse, if need be, the action of the trustees, and shall give the clerk, from whom he received the paper, immediate notice of his decision: and his action shall be final and binding. If the changes asked for by the petitioners shall be made by the county superintendent, he shall notify, in writing, the clerk by whom the papers in the case were transmitted to him, of his action, and the clerk shall thereupon make a record of the same, and shall, within ten days thereafter, make a copy of the same, and a map of the township, showing the districts, and an accurate list of the tax-payers of the newly arranged districts, and deliver them to the county clerk for filing and record by him, the same as if the changes had been ordered by the trustees.

§ 56. In all cases where the territory affected by a proposed change of district boundaries is divided by a county line or lines, the appeal may be taken to the county superintendent of schools of any one of the counties in which said territory is partly located; and upon any appeal being taken in any such case, the county superintendent of schools, to whom such appeal is taken, shall forthwith, give notice to the county superintendent or superintendents of schools of the other county or counties, of the pendency of such appeal, and of the time and place when and where it will be heard: and the county superintendents of schools of the counties in which the said territory is located, shall meet together at such time and place, and together hear and determine said appeal. In case the said county superintendents shall be unable to arrive at an agreement, then the county judge of the county where such appeal is pending shall be called, and shall constitute one of the board of appeal, and thereupon the appeal shall be heard and determined by them. And the county superintendent of schools, to whom such appeal is taken, shall at once notify, in writing, the clerk by whom the papers in the case were transmitted to him of the action taken on such appeal, as hereinafter provided

§ 57. Whenever change in boundaries is made by the trustees of schools, if no appeal is taken to the county superintendent, the clerk of the trustees shall make a complete copy of the record of the action of the trustees, which copy shall be certified by the president of the trustees and the clerk who shall file the same, together with a map of the township, showing the districts, and an accurate list of the tax-payers of the newly arranged districts, with the county clerk for record within twenty days of the action of the trustees.

§ 58. In case any territory shall be set off from any district that has a bonded debt, the change not being petitioned for by a majority of the legal voters of said district, such original district shall remain liable for the payment of such bonded debt as if not divided. The directors of the original district having such bonded debt and of the district into which the territory taken from such original district has been incorporated or formed, shall constitute a joint board for the purpose of determining and certifying, and they shall determine and certify to the county clerk the amount of tax required yearly for the purpose of paying the interest and principal of such bonded debt; which tax shall be extended by the county clerk against all property embraced within such original district as if it had not been divided.

§ 59. When the trustees of schools shall organize a new district, as hereinbefore provided for, it shall be the duty of the clerk of the board of trustees, if no appeal is taken to the county superintendent, to order, within fifteen days after the action of the trustees, an election, to be held at some convenient time and place, within the boundaries of such newly organized district, for the election of three school directors, notice being given by the township treasurer, who shall post up at least three notices of such election in at least three prominent places in said district, at least ten days prior to the time appointed for holding such election, which notices shall specify the place where such election is to be held, the time for opening and closing the polls, and the object of said election, which notice may be in the following form, to-wit:

“ELECTION NOTICE.”

Public notice is hereby given that on the ..... day of ..... A. D. .... an election will be held at ..... for the purpose of electing three school directors for the new district known as district No. .... in township No. .... range No. .... of the ..... P. M., in ..... county, Illinois.

The polls at said election will be open at ..... o'clock ..... M., and close at ..... o'clock ..... M.

By order of the board of trustees of said township.

Signed .....

*Township Treasurer.*

§ 60. At the time appointed for opening the polls for said election, it shall be the duty of the legal voters present, five of whom shall constitute a quorum, to appoint three of their number, two of whom shall act as judges, and one as clerk of said election; and the election in all other respects shall be conducted as other elections for the election of school directors.

§ 61. Within ten days after the election, it shall be the duty of the directors, elected at such election, to meet at some convenient time and place previously agreed upon by said directors, and organize as a district board by appointing one of their number president, and another one of their number clerk of said board, as in other cases of the election of school directors. At this first meeting of the directors, they shall draw lots for their respective terms of



office for one, two and three years, each of which shall be considered a fractional term, ending at each annual meeting according to the term drawn.

§ 62. In case a new district is organized by the action of the county superintendent, the said clerk of the board of trustees shall, within five days after he has received notice of the action of the county superintendent on the appeal, order an election of directors in the new district, the same as if the change had been made by the board of trustees, and such election shall be held in the same manner as the election provided for where the trustees have formed such new district.

§ 63. Whenever a new district has been formed by the trustees, or by the county superintendent, or county superintendents, from a part of a district or from parts of two or more districts, the trustees of the township or townships concerned shall proceed forthwith to make a distribution of tax funds, or other funds which are in the hands of the treasurer, or to which the district may, at the time of such division, be entitled: so that both the old and new districts shall receive parts of such funds, in proportion to the amount of taxes collected next preceding such division from the taxable property in the territory composing the several districts. If the new districts be composed of parts of two or more districts, the trustees shall make distribution of said funds between the new district and the old districts, respectively, so that the new district shall receive a distribution of the funds of each of the old districts, in the proportion which the amount of taxes collected from the property in the territory of the new district bears to the whole taxes collected, next before the division, in the old district; and the town treasurer shall forthwith place the sum so distributed to the credit of the respective districts, and shall immediately place the proportion of the funds to which said new district may be entitled to its credit on his books, and the funds on hand shall be subject at once to the order of the directors of the new district, and those not on hand as soon as collected.

§ 64. The trustees of the township or townships concerned shall, at the time of the creation of a new district, or within the period of thirty days thereafter, proceed to the appointment of three appraisers, who shall not be citizens of the township or townships interested. It shall be the duty of said appraisers, within thirty days after their appointment, to appraise the school property, both real and personal, of the district or districts interested, at their fair cash value. Within thirty days after such appraisalment, the trustee or trustees of the township or townships concerned shall proceed to charge the property to the district in which it may be found, and to credit the other district interested therein with its proportion of such valuation: *Provided*, that the *bona fide* debts, if any, of the old district, shall first be deducted and the balance charged and credited as aforesaid and the trustees shall direct the treasurer to place to the credit of the district not retaining said property, its proportion of the value of said property, and of the funds then on

hand, or subsequently to accrue, belonging to such district to which such property is charged.

§ 65. If the trustees shall fail to observe the provisions of sections 63 and 64, in reference to distribution of funds and property, they shall be individually and jointly liable to the district interested, in an action on the case, to the full amount of the damages sustained by the district aggrieved. Where trustees have heretofore failed to make distribution of property to districts, as provided in said sections 63 and 64 of this article, the district interested in the making of such distribution may, by its directors, request the trustees, in writing, to proceed to make such distribution: and said trustees shall proceed to make such distribution in the manner prescribed, and shall be liable, as herein stated, for a neglect or failure so to do.

§ 66. The clerk of any board of trustees who shall fail, neglect, or refuse to perform the duties imposed upon him by this article of this act, or any of them, within the time and in the manner prescribed, shall, for each offense, forfeit not less than ten dollars (\$10), nor more than twenty-five dollars (\$25) of his pay as clerk of the board of trustees and township treasurer, which forfeiture shall be enforced by the trustees.

§ 67. If any school district shall, for two consecutive years, fail to maintain a public school, as required by law to do, it shall be the duty of the trustees of schools of the township, or townships, in which such district lies, to attach the territory of such district to one or more adjoining school districts: and, in case said territory is added to two or more districts, to divide the property of said district between the districts to which its territory is added, in the manner hereinbefore provided for the division of property in case a new district is organized from a part of another district, and the action of the trustees in such a case shall be final and binding. And the clerk of the trustees in such case shall file a copy of the record of the same, together with the map and list of tax-payers with the county clerk as in other cases of change of district boundaries.

§ 68. The majority of legal voters of a district lying in two or more townships may secure the dissolution of said district by petitioning the several boards of trustees of said townships, at their regular meeting in April, that each will add the territory belonging to said district, in its township, to one or more adjacent districts. Upon receipt of such petition, or the returns of the election (in districts containing one thousand or more inhabitants) the several boards of trustees shall each make such disposition of the territory of said district as lies in its township, and they shall jointly make such division of property of said district between the districts to which its territory is attached, as is hereinbefore provided in the case of the organization of a new district from a part of another district. The action of the trustees, in accordance with such petition or election, shall be final and binding; and the clerks of the several boards of trustees, in such case, shall file a copy of the record of the same, together with the map and lists of tax-payers, with the county clerk, as in other cases of change of district boundaries.

§ 69. The trustees of schools, elected as provided for in this article, shall be the successors to the trustees of school lands, appointed by the county commissioners' court, and of trustees of schools elected in townships under the provisions of "An act making provisions for organizing and maintaining common schools," approved February 26, 1841, and "An act to establish and maintain common schools," approved March 1, 1847, and "An act to establish and maintain a system of free schools," approved April 1, 1872. All rights of property, and rights and causes of action, existing or vested in the trustees of school lands, or the trustees of schools appointed or elected as aforesaid, for the use of the inhabitants of the township, or any part of them, shall vest in the trustees of schools, as successors, in as full and complete a manner as was vested in the trustees of school lands, or the trustees of schools appointed and elected, as aforesaid.

## ARTICLE IV.

### TOWNSHIP TREASURER.

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| § 1. Bond; form of bond.   | § 13. Treasurer shall keep money, books and papers, and keep funds at interest.                             |
| § 2. Treasurer's accounts; record of notes and bonds; subject to inspection. | § 14. Send annual statement to trustees.  |
| § 3. Terms of loans.   | § 15. Annual exhibit.   |
| § 4. Securities to run to board of trustees.                                 | § 16. Statement to districts; exhibit to be posted.   |
| § 5. Surplus district funds may be loaned.                                   | § 17. Penalty for failure to perform requirements of the preceding sections.                                |
| § 6. Statement of loans to be delivered to county superintendent.            | § 18. Unpaid orders of teachers to draw interest.   |
| § 7. Form and release of mortgage.   | § 19. Additional duties defined.  |
| § 8. Action on mortgage; insurance policies.                                 | § 20. Treasurer liable for failure to perform his duties, but not liable when acting under orders of board. |
| § 9. Additional security.  | § 21. Bonds, securities, etc., to be turned over to successor; penalty and judgment.                        |
| § 10. Preference given to debts due to school fund.                          | § 22. Compensation of the treasurer.  |
| § 11. Default in payment; penalty; action to recover interest.               |   |
| § 12. Manner of bringing suits.  |   |

SECTION 1. The township treasurer appointed by the board of trustees of schools shall, before entering upon his duties, execute a bond with two or more freeholders, who shall not be members of the board, as securities, payable to the board of trustees of the township for which he is appointed treasurer, with a sufficient penalty to cover all liabilities which may be incurred, conditioned faithfully to perform all the duties of township treasurer in township No. . . . ., range No. . . . ., in . . . . . county according to law; which bond shall be approved by at least a majority of the board, and shall be delivered by one of the trustees to the county superintendent of the proper county. And in all cases where such treasurer aforesaid is to have the custody of all bonds, mortgages, moneys and effects denominated principal, and belonging to the township for which he



is appointed treasurer, the penalty of such treasurer's bonds shall be twice the amount of all bonds, notes, mortgages, moneys and effects; and shall provide for the faithful accounting for, and turning over, of all such bonds, notes, mortgages, moneys and effects as shall come into his hands while he may act as such treasurer, under such appointment, to his successor, when appointed and qualified, as herein provided, by giving bond. The penalty of said bond shall be increased from time to time, as the increase of the amount of notes, bonds, mortgages and effects may require, and whenever, in the judgment of the trustees or county superintendent, the security is insufficient. Any and every township treasurer appointed subsequent to the first, as herein provided, shall execute bond with security, as is required of the first treasurer.

The bond required in this section shall be in the following form, viz.:

STATE OF ILLINOIS, )  
.....County, ) ss.

Know all men by these presents, that we, A. B., C. D. and E. F., are held and firmly bound, jointly and severally, unto the board of trustees of township....., range..... in said county, in the penal sum of..... dollars, for the payment of which we bind ourselves, or heirs, executors and administrators firmly by these presents.

In witness whereof we have hereunto set our hands and seals this..... day of..... A. D., 18.... The condition of the above obligation is such that if the above bounden A. B., township treasurer of township....., range..... in the county aforesaid, shall faithfully discharge the duties of said office, according to the laws which now are or may hereafter be in force, and shall deliver to his successor in office, after such successor shall have fully qualified by giving bond as provided by law, all moneys, books, papers, securities and property which shall come into his hands or control, as such township treasurer, from the date of this bond up to the time that his successor shall have duly qualified as township treasurer, by giving such bond as shall be required by law, then this obligation to be void; otherwise to remain in full force and virtue.

Approved and accepted by:

G. H., )  
L. J., ) *Trustees.*  
K. L., )

A. B., (Seal.)  
C. D., (Seal.)  
E. F., (Seal.)

§ 2. Every township treasurer shall provide himself with two well bound books, the one to be called a cash book, the other a loan book. He shall charge himself in the cash book with all moneys received, stating the charge, when, from whom, and on what account received, and credit himself with all moneys paid or loaned, stating the amount loaned, the date of the loan, the rate of interest, the time when payable, the name of the securities; or, if real estate to be taken, a description of the same.

He shall also enter, in separate accounts, moneys received and moneys paid out, charging the first to debit account, and crediting the latter as follows, to-wit:

*First*—The principal of the township fund, when paid in and when paid out.

*Second*—The interest of the township fund, when received and when paid out.

*Third*—The common school fund and other funds, when received from the county superintendent and when paid out.

*Fourth*—The taxes received from the county or town collector, for what district received, and when and what purpose paid out.

*Fifth*—Donations received.

*Sixth*—Moneys coming from all other sources; and in all cases entering the date when received, and when paid out. And he shall also arrange and keep his books and accounts in such other manner as may be directed by the State or county superintendent or the board of trustees. He shall also provide a book, to be called a journal, in which he shall record, fully and at length, the acts and proceedings of the board, their orders, by-laws and resolutions. And he shall also provide a book, to be called a record, in which he shall enter a brief description of all notes or bonds belonging to the township, and upon the opposite page he shall note down when paid, or any remarks to show where or in what condition it is, as in the following form, viz.:

Maker's Name.	Date of Note.	When Due.	Amount.	Remarks.
A. B., C. D., E. F.	January 1, 18....	January 1, 18....	\$90 00	January 6, 18.... handed to L. J., for collection, or January 6, 18.... paid.

All the books and accounts of the treasurer shall at all times be subject to the inspection of the trustees, directors or other person authorized by this act, or by any committee appointed by the voters of the township, at the annual election of trustees, to examine the same.

§ 3. Township treasurers shall loan, upon the following conditions, all moneys which shall come to their hands by virtue of their office, except such as may be subject to distribution. The rate of interest shall not be less than six (6) per cent., nor more than eight (8) per cent. per annum,\* payable annually, the rate of interest to be determined by a majority of the township trustees at any regular or special meeting of their board. No loans shall be made for less than six (6) months, nor more than five (5) years. For all sums not exceeding two hundred dollars (\$200) loaned for not more than one year, two (2) responsible sureties shall be given: for all sums over two hundred dollars (\$200), and for all loans for more than one (1) year, security shall be given by mortgage on real estate unincumbered, in value forty per cent. more than the amount loaned, with a condition that in case additional security shall be at any time required, the same shall be given to the satisfaction of the board of trustees for the time being: *Provided*, that nothing herein shall prevent the loaning of township funds to boards of school directors, taking bonds therefor, as provided in section 1. article IX, of this act.

\* 7 per cent. is the highest rate allowed by law on loans made on or after July 1, 1891.

§ 4. Notes, bonds, mortgages and other securities taken for money or other property due, or to become due, to the board of trustees for the township, shall be payable to the said board by their corporate name; and in such name, suits, actions and complaints, and every description of legal proceedings may be had for the recovery of money, the breach of contracts and for every legal liability which may at any time arise or exist, or upon which a right of action shall accrue to the use of such corporation: *Provided, however,* that notes, bonds, mortgages and other securities in which the name of the county superintendent, or of the trustees of schools are inserted, shall be valid to all intents and purposes, and suit shall be brought in the name of the board of trustees as aforesaid. The wife of the mortgagor, (if he is married) shall join in the mortgage given to secure the payment of money loaned by virtue of the provisions of this act.

§ 5. Whenever there is a surplus fund in the treasurer's hands belonging to any school district, the treasurer may loan the same for the use and benefit of such district, upon the written request of the directors of said district and not otherwise: and all such loans shall be on the same conditions as are prescribed in this article for the loaning of township funds.

§ 6. The township treasurer shall, on or before the 30th day of June, annually, prepare and deliver to the county superintendent of his county, a statement, verified by his affidavit, showing the exact condition of the township funds. Said statement shall contain a description of the securities, bonds, mortgages and notes belonging to the township, giving names of securities, dates, amount of loans, rate of interest, when due, and all data by which a full understanding of the condition of the funds may be obtained. The county superintendent shall preserve such statement for the use of the township.

§ 7. Mortgages to secure the payment of money loaned under the provisions of this act, may be in the following form, viz.:

I, A. B., of the county of ..... and State of ....., do hereby grant, convey and transfer to the trustees of school of township....., range No....., in the county of..... and State of Illinois, for the use of the inhabitants of said township, the following described real estate, to-wit: (Here insert premises), which real estate I declare to be in mortgage for the payment of ..... dollars loaned to me and for the payment of all interest that may accrue thereon to be computed at the rate of ..... per cent. per annum until paid. And I do hereby covenant to pay the said sum of money in ..... years from the date hereof, and to pay the interest on the same annually, at the rate aforesaid. I further covenant that I have a good and valid title to said estate, and that the same is free from all incumbrance, and that I will pay all taxes and assessments which may be levied on said estate, and that I will give any additional security that may at any time be required in writing by said board of trustees: and if said estate be sold to pay said debt, or any part thereof, or for any failure or refusal to comply with or perform the conditions of covenant herein contained, I will deliver immediate possession of the premises. And it is further agreed, by and between the parties, in case a bill is filed in any court to foreclose this mortgage for non-payment of either principal or interest, that the mortgagor will pay a reasonable solicitor's fee,

and the same shall be included in the decree and be taxed as costs: and we, A. B., and C., wife of A. B., hereby release all right to the said premises which we may have by virtue of any homestead laws of this State, and in consideration of the premises, C., wife of A. B., doth hereby release to said board all her right and title of dower in the aforegranted premises for the purpose aforesaid.

In testimony whereof, we have hereby set our hand and seals this ..... day of ....., 18....

A. B. (Seal.)

C. B. (Seal.)

Which mortgage shall be acknowledged and recorded as is required by law for other conveyances of real estate, the mortgagor paying expenses of acknowledgment and recording.

On payment of any school mortgage in full, it shall be the duty of the trustees of schools to give a deed of release of such mortgage or to enter satisfaction thereof upon the record, such deed of release or satisfaction to be executed by the township treasurer.

§ 8. Upon the breach of any condition or stipulation contained in said mortgage, an action may be maintained and damages recovered as upon other covenants; but mortgages made in any other form to secure payment, as aforesaid, shall be valid as if no form had been prescribed. In estimating the value of real estate mortgaged to secure the payment of money loaned under the provisions of this law, the value of improvements liable to be destroyed may be included; but in any such case said improvements shall be insured for the insurable value thereof in some safe and responsible insurance company or companies, and the policy or policies of insurance shall be transferable to the board of trustees as additional security for any loan, and shall be kept so insured until the loan is paid.

§ 9. In all cases where the board of trustees shall require additional security for the payment of money loaned, and such security shall not be given, the township treasurer shall cause suit to be instituted for the recovery of the same, and all interest thereon to the date of judgment: *Provided*, that proof be made of the said requisition.

§ 10. In the payment of debts by executors and administrators, those due the common school or township fund shall have a preference over all other debts, except funeral expenses, the widow's award, and the expenses attending the last sickness, not including the physician's bill. And it shall be the duty of the township treasurer to attend at the office of the probate judge upon the proper day, as other creditors, and have any debts, as aforesaid, probated and classed, to be paid as aforesaid.

§ 11. If default be made in the payment of interest due upon money loaned by any county superintendent or township treasurer, or in the payment of the principal, interest at the rate of twelve per cent. per annum shall be charged upon the principal and interest from the day of default, which interest shall be included in the assessment of damages; or in the judgment in the suit or action brought upon the obligation to enforce payment thereof, and interest as aforesaid may be recovered in an action brought to recover in-



terest only. The said township treasurer is hereby empowered to bring appropriate actions in the name of the board of trustees, for the recovery of the yearly interest, when due and unpaid, without suing for the principal, in whatever form secured; and justices of the peace shall have jurisdiction of such cases of all sums not exceeding two hundred dollars.

§ 12. All suits brought or actions instituted under the provisions of this act, may be brought in the name of the trustees of schools of township No. . . . ., range No. . . . ., except as provided for *qui tam* actions, or actions in favor of county superintendents.

§ 13. The said township treasurer shall demand, receive and safely keep, according to law, all moneys, books and papers of every description belonging to his township. He shall keep the township funds loaned at interest; and if, on the first Monday in October, in any year, there shall be any interest or other funds on hand which shall not be required for distribution, such amount not required as aforesaid, may, if the board of trustees see proper, forever be considered as principal in the funds to which it belongs, and loaned as such.

§ 14. On the first Mondays in April and October of every year, the township treasurer shall lay before the board of trustees a statement showing the amount of interest, rents, issues and profits that have accrued or become due since their last regular half-yearly meeting, on the township lands and township funds, and also the amount of state and county fund interest on hand. He shall also lay before the said trustees all books, notes, bonds, mortgages and all other evidences of indebtedness belonging to the township, for the examination of the trustees; and shall make such other statement as the board may require, touching the duties of his office.

§ 15. The said township treasurer shall make out annually, and present to the board of trustees, at their meeting succeeding the annual election, a complete exhibit of the fiscal affairs of the township, and of the several districts or parts of districts in the township, showing the receipts of money, and the sources from which they have been derived, and the deficit and delinquencies, if there be any, and the cause, as well as a classified statement of moneys paid out, and the amount of obligations remaining unpaid.

§ 16. The township treasurer shall, within two days after the first Monday in April, and on July fifteenth in each year, make out for each district or part of district in the township, a statement or exhibit of the exact condition of the account of such district or part of district, as shown by his books on April first and June thirtieth of each year; which statement or exhibit shall show the balance at the time of making the last exhibit, and the amount received since, up to the time of making the exhibit, and when and from what source received; and it shall also show the amount paid out during the same time, to whom paid, and for what purpose, and shall be balanced, and the balance shown. It shall be the duty of said treasurer to comply with any lawful demand the said trustees may make as to the verification of any balance reported by said treasurer to be on hand.

The exhibit shall be subscribed and sworn to by the treasurer before any officer authorized to administer an oath, and shall then, by the treasurer, be, without delay, delivered or transmitted by mail to the clerk of the board of directors of the proper district. It shall be the duty of the said clerk, upon receiving such exhibit, to enter the same upon the records of the district, and, at the next annual election of directors thereafter, to cause a copy thereof to be posted up at the front door of the building where such election is held.

17. For a failure on the part of the treasurer, clerk of any board of directors, or any director, to comply with any of the requirements of the preceding sections of this article, he shall be liable to a penalty of not less than five dollars (\$5) nor more than fifty dollars (\$50), to be recovered before any justice of the peace of the county in which the offense is committed.

§ 18. When any order drawn for the payment of a teacher, is presented to the township treasurer for payment, and is not paid for want of funds, the said treasurer shall make a written statement over his signature by an endorsement on such order, with date, showing such presentation and non-payment, and shall make and keep a record of such endorsement. Such order shall thereafter draw interest at the rate of eight per cent. per annum until paid, or until the treasurer shall, in writing, notify the clerk of the board of directors that he has funds to pay such order: and of said notice, the said treasurer shall make and keep a record: after giving said notice, he shall hold the funds necessary to pay such order until it is presented for payment, and such order shall draw no interest after the giving of said notice to said clerk of the board.

§ 19. In addition to the foregoing requirements, it shall be the duty of the said township treasurer—

*First*—To return to the county clerk of his county, on or before the second Monday in August in each year, the certificate of tax levy made by each board of school directors in his township.

*Second*—To pay, whenever he has funds in his hands belonging to the district, all lawful orders drawn on him by the board of directors of any school district in his township.

*Third*—To collect, from the collector of taxes of the township and the county collector of taxes, the full amount of the tax levies made by the several boards of directors in his township.

*Fourth*—To examine the official record of each school district in the township on the first Mondays in April and October of each year.

*Fifth*—To keep a correct account between the districts where pupils are transferred by the directors from one district to another.

*Sixth*—To give, upon the order of the trustees of schools, notice of the election of trustees, as required by law.

*Seventh*—To give, in case of the formation of a new school district, notice of the election of a board of school directors.

*Eighth*—To cause to be published in some newspaper published in his county an annual statement of the finances of the township, as required by law.

*Ninth*—To make, whenever a change has been made in the boundaries of a school district, a complete copy of the records of the trustees, a map of the township showing such change of boundaries, and an accurate list of the tax-payers in the newly arranged districts, and file the same with the county clerk within twenty days of the time such change was made.

*Tenth*—To file and safely keep all poll-books and returns of elections which may be delivered to him under any provisions of this act.

*Eleventh*—To receive and safely keep all moneys, securities, papers and effects belonging to the township or the school districts, which, by law, are required to be deposited with such treasurer.

§ 20. For any failure or refusal to perform all the duties required of the township treasurer by law, he shall be liable to the board of trustees, upon his official bond, for all damages sustained, to be recovered by action of debt by said board, in their corporate name, for the use of the proper township, before any court having jurisdiction of the amount of damages claimed; but if such treasurer, in any such failure or refusal, acted under and in conformity to a requisition or order of said board, or a majority of them, entered upon their journal and subscribed by their president and clerk, then, and in that case, the members of the board aforesaid, or those of them voting for such requisition, or order aforesaid, and not the treasurer, shall be liable, jointly and severally, to the inhabitants of the township for such damages, to be recovered by an action of assumpsit in the official name of the county superintendent of schools, for the use of the proper townships: *Provided*, that said township treasurer shall be liable for any part of the judgment obtained against said trustees which can not be collected on account of the insolvency of such trustees.

§ 21. Whenever a township treasurer shall resign or be removed, and at the expiration of his term of office, he shall pay over to his successor in office all money on hand, and deliver over all books, notes, bonds, mortgages and all other securities for money, and all papers and documents of every description, in which the corporation has any lawful interest whatever. And in case of the death of the township treasurer, his securities and legal representatives shall be bound to comply with the requisitions of this section, so far as the said securities and legal representatives may have the power so to do. And for a failure to comply with the requisites of this section, the persons neglecting or refusing shall be liable to a penalty of not less than ten dollars (\$10) nor more than one hundred dollars (\$100) at the discretion of the court before which judgment may be obtained, to be recovered in an action of debt, in the name of the trustees of schools, before any justice of the peace, for the benefit of the school fund of such township: *Provided*, that the obtaining or payment of such judgment shall in no wise discharge or diminish the



obligations of the persons signing the official bond of such township treasurer.

§ 22. The township treasurers shall receive in full, for all services rendered by them, a compensation to be fixed, prior to their election, by the board of trustees.

## ARTICLE V.

### BOARD OF DIRECTORS.

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| § 1. Board of directors in districts with less than 1,000 inhabitants.                 | § 19. Business to be done at a regular or special meeting.       |
| § 2. Board of directors a body politic.  | § 20. President or clerk pro tempore.                            |
| § 3. Eligibility of school directors.  | § 21. Report of the organization.                                |
| § 4. Non-residence creates a vacancy.  | § 22. Reports of statistics, etc.                                |
| § 5. Annual election and term of office.   | § 23. Not to be interested in school contracts.                  |
| § 6. Election in new districts.  | § 24. Not to be interested in sale of school books, etc.         |
| § 7. Vacancies.  | § 25. Liable to indictment and fine.                             |
| § 8. Notices of election.  | § 26. Duties defined.  |
| § 9. Election in certain cases ordered by township treasurer or county superintendent. | § 27. Additional powers defined.                                 |
| § 10. Judges; postponement; election on any Saturday.                                  | § 28. Orders on demand.  |
| § 11. A tie vote.  | § 29. Orders in anticipation of taxes.                           |
| § 12. Delivery of the poll-book, and filing the same; certificate.                     | § 30. Liable for balance due teachers.                           |
| § 13. Poll-book in union district.   | § 31. Vote of the district required to locate school sites, etc. |
| § 14. Penalty for failure to deliver the poll-book.                                    | § 32. Compensation for school site.                              |
| § 15. Organization of the board.   | § 33. Removal by the county superintendent.                      |
| § 16. Quorum.  | § 34. Funds paid out upon orders; form of order.                 |
| § 17. Records.   | § 35. Transfer of pupils; separate schedules.                    |
| § 18. Meetings.  | § 36. Directors collect amount due from transfer pupils.         |

SECTION 1. In all school districts having a population of less than one thousand inhabitants, and not governed by any special act in relation to free schools now in force, there shall be elected in the manner hereinafter provided for, a board of directors to consist of three members. [As amended by an act approved June 1, 1889.

§ 2. The directors of each district are hereby declared a body politic and corporate, by the name of "school directors of District No. . . . ., township No. . . . ., range No. . . . . county of . . . . . and State of Illinois," and by that name may sue and be sued in all courts and places whatever.

§ 3. Any person, male or female, married or single, of the age of twenty-one years and upwards, who is a resident of the school district, and who is able to read and write in the English language, shall be eligible to the office of school director: *Provided*, that no person shall be eligible to the office of school director who is at the time a member of the board of school trustees.

§ 4. If any director shall, during the term of his office, remove from the district in which he was elected, his office shall thereby become vacant and a new director shall be elected, as in other cases of vacancy in office.

§ 5. The annual election of school directors shall be on the third Saturday of April, when one director shall be elected in each district, who shall hold his office for three years, and until his successor is elected.

§ 6. In new districts, the first election of directors may be on any Saturday, notice being given by the township treasurer, as for the election of trustees, when three directors shall be elected, who shall, at their first meeting, draw lots for their respective terms of office, for one, two and three years.

§ 7. When vacancies occur, the remaining director or directors shall, without delay, order an election to fill such vacancies, which election shall be held on Saturday.

§ 8. Notices of all elections in organized districts shall be given by the directors at least ten days previous to the day of said election. Said notices shall be posted in at least three of the most public places in the district, and shall specify the place where such election is to be held, the time of opening and closing of the polls, and the question or questions to be voted on.

§ 9. Should the directors fail or refuse to order any regular or special election, as aforesaid, it shall be the duty of the township treasurer to order such election, and if the township treasurer fails to do so, then it shall be the duty of the county superintendent to order such election of directors within ten days, in each case of such failure or refusal, and the election held in pursuance of such order shall be valid, the same as if ordered by the directors.

§ 10. Two of the directors ordering such election shall act as judges, and one as clerk of such election. But if said directors or any of them shall fail to order an election, to attend, or shall refuse to act when present, and in all unorganized districts and in elections to fill vacancies, the legal voters when assembled shall choose such additional members as may be necessary to act as two judges and a clerk of said election: *Provided*, that if upon the day appointed for said election, the said directors or judges shall be of opinion that, on account of the small attendance of voters, the public good requires it, or if the voters present, or a majority of them, shall desire it, they shall postpone said election until the next Saturday, at the same place and hour, when the voters shall proceed as if it were not an adjourned meeting: *And, provided, also*, that if notice shall not

have been given as above required, then said election shall be ordered as aforesaid and holden on any Saturday, notice thereof being given, as aforesaid.

§ 11. In case of a tie vote, the judges shall decide it by lot on the day of the election.

§ 12. Within ten days after every election of directors, the judges shall cause the poll-book to be delivered to the township treasurer, with a certificate thereon showing the election of said directors and the names of the persons elected; which poll-book shall be filed by the township treasurer, and shall be evidence of said election.

§ 13. In cases of a union district, made up of parts of two or more townships, the poll-book shall be returned to the township treasurer who receives the tax money for said district.

§ 14. For a failure to deliver the poll-book within the time prescribed, the judges shall be liable to a penalty of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) to be recovered in the name of the People of the State of Illinois, by action of assumpsit, before any justice of the peace of the county, which penalty, when recovered, shall be added to the township school fund of the township.

§ 15. The directors, within ten days after the annual election of the directors, shall meet and organize by appointing one of their number president, and another of their number clerk of such board of directors.

§ 16. Two directors shall be a quorum for business.

§ 17. The clerk of such board of directors shall keep a record of all the official acts of the board in a well-bound book provided for that purpose, which record shall be signed by the president and clerk, and shall be submitted to the township treasurer for his inspection and approval on the first Mondays of April and October, and at such other times as the township treasurer may require.

§ 18. The board of directors shall hold regular meetings at such times as they may designate; and they may hold special meetings as occasion may require, at the call of the president or any two members.

§ 19. No official business shall be transacted by the board except at a regular or special meeting.

§ 20. If the president or clerk be absent from any meeting, or, being present, refuses to perform his official duties, a president or clerk *pro tempore* shall be appointed.

§ 21. The clerk of each board of school directors shall report to the township treasurer or treasurers of the proper township or townships, immediately after the organization of the board, the names of the president and clerk of such board.

§ 22. On or before the seventh day of July, annually, the clerk of each board of directors shall report to the township treasurer having the custody of the funds of such district, such statistics and other information in relation to the schools of his respective district as the township treasurer is required to embody in his report to the

county superintendent, and the particular statistics to be so reported shall be determined and designated by the State Superintendent of Public Instruction, or by the county superintendent.

§ 23. No director shall be interested in any contract made by the board of which he is a member.

§ 24. No director shall be interested in the sale, proceeds or profits of any book, apparatus or furniture used or to be used in any school in this State with which he may be connected.

§ 25. Any person offending against the provisions of the two preceding sections shall be liable to indictment, and, upon conviction, shall be fined in any sum not less than twenty-five dollars (\$25) and not more than five hundred dollars (\$500), and may be imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court.

§ 26. It shall be the duty of the board of directors of each district—

*First*—At the annual election of directors to make a detailed report of their receipts and expenditures to the voters there present, and transmit a copy of such report to the township treasurer within five days from the time of said election.

*Second*—To report to the county superintendent, within ten days after their employment, the full names of all persons employed as teachers, the date of the beginning and the end of their contract.

*Third*—To provide for the necessary revenue to maintain free schools in their district in the manner provided for in article VIII of this act.

*Fourth*—When a district is composed of parts of two or more townships, the directors shall determine and inform the collectors of said townships, and the collector or collectors of the county or counties in which said townships lie, in writing, under their hands as directors, which of the treasurers of the townships from which their district is formed shall demand and receive the tax money collected by the said collector as aforesaid.

*Fifth*—To establish and keep in operation for at least one hundred and ten (110) days of actual teaching in each year, without reduction by reason of closing schools on legal holidays, or for any other cause, and longer if practicable, a sufficient number of free schools for the accommodation of all children in the district over the age of six (6) and under twenty-one (21) years, and shall secure for all such children the right and opportunity to an equal education in such free schools.

*Sixth*—To adopt and enforce all necessary rules and regulations for the management and government of the schools.

*Seventh*—To visit and inspect the schools from time to time as the good of the schools may require.

*Eighth*—To appoint all teachers and fix the amount of their salaries.



*Ninth*—The directors shall direct what branches of study shall be taught, and what text books and apparatus shall be used in the several schools, and strictly enforce uniformity of text books therein, but shall not permit text books to be changed oftener than once in four years, but shall prohibit such change.\*

*Tenth*—The directors shall have power to purchase, at the expense of the district, a sufficient number of the text books used to supply children whose parents are not able to buy them. The text books bought for such purpose shall be loaned only, and the directors shall require the teacher to see that they are properly cared for and returned at the end of each term of school.

*Eleventh*—The directors shall, on or before the seventh day of July, annually, deliver to the township treasurer all teachers' schedules made and certified as required by the provisions of article VII of this act, covering all time taught during the school year, ending June 30th, and the directors shall be personally liable to the district for any loss sustained by it, through the failure of the directors to examine and so deliver such schedules within the time fixed by law.

*Twelfth*—The directors shall not pay out any public money to any teacher unless such teacher shall, at the time of his or her employment, hold a certificate of qualification, obtained under the provisions of this act, covering the entire period of his or her employment.†

*Thirteenth*—The directors shall not pay any public funds to any teacher unless such teacher shall have kept and furnished schedules as required by this act, and shall have satisfactorily accounted for books, apparatus and other property of the district that he may have taken in charge.

*Fourteenth*—The directors shall pay teachers' wages monthly. Upon the receipt of schedules, properly certified, the directors shall at once make out and deliver to the teacher an order upon the township treasurer for the amount named in the schedule; which order shall state the rate at which the teacher is paid according to his contract, the limits of time for which the order pays, and that the directors have duly certified a schedule covering this time. But it shall not be lawful for the directors to draw an order until they have duly certified to the schedule; nor shall it be lawful for the directors, after the date of filing schedules as fixed by law, to certify any schedule not delivered to them before that date by the teacher, when such schedule is for time taught before the first of July preceding, nor to give an order in payment of the teacher's wages for the time covered by such delinquent schedule.

*Fifteenth*—At the annual election of directors, the directors shall cause a copy of the township treasurer's report of the financial condition of the district, provided by law, to be posted upon the front door of the building where such annual election is held.

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\* See act requiring and regulating the study of physiology and hygiene, approved June 9, 1837.

† See section 5, article VII.

§ 27. The board of school directors shall be clothed with the following additional powers:

*First*—To use any funds belonging to their district, and not otherwise appropriated, for the purchase of a suitable book for their records. And the said records shall be kept in a punctual, orderly and reliable manner.

*Second*—Said directors may, where they deem the amount of labor done sufficient to justify it, allow the clerk of such board of directors, out of any fund not otherwise appropriated, compensation for duties actually performed.

*Third*—They shall have the power to dismiss a teacher for incompetency, cruelty, negligence, immorality or other sufficient cause.

*Fourth*—They shall have power to assign pupils to the several schools in the district; to admit non-residents when it can be done without prejudice to the rights of resident pupils; to fix rates of tuition; collect and pay the same to the township treasurer for the use of said district.

*Fifth*—They may suspend or expel pupils who may be guilty of gross disobedience or misconduct, and no action shall lie against them for such expulsion or suspension.

*Sixth*—They may provide that children under twelve (12) years of age shall not be confined in school more than four hours daily.

*Seventh*—They may appropriate, for the purchase of libraries and apparatus, any school funds remaining after all necessary school expenses are paid.

*Eighth*—When any school district owns any personal property not needed for school purposes, the directors of such district may sell such property at public or private sale, as in their judgment will be for the best interest of the district, and the proceeds of such sale shall be paid over to the treasurer of such district, for the benefit of said school district.

*Ninth*—They may grant special holidays whenever in their judgment such action is advisable: *Provided*, no teacher shall be required to make up the time lost by the granting of such holidays.

*Tenth*—They shall have the control and supervision of all school houses in their district, and may grant the temporary use of school houses when not occupied by schools, for religious meetings and Sunday schools, for evening schools and literary societies, and for such other meetings as the directors may deem proper.

*Eleventh*—They shall have power to decide when the school house site, or the school buildings have become unnecessary, or unsuitable, or inconvenient for a school.

*Twelfth*—They may borrow money, and issue bonds therefor, for building school houses, purchasing sites, repairing and improving school houses, in the way and manner provided for by article IX of this act.



§ 28. The school directors shall draw no order or warrant payable upon demand upon the township treasurer or against any fund in his hands, unless at the time of drawing such order or warrant there are sufficient funds in his hands to pay the amount of the same: *Provided*, this section shall not apply to orders issued to teachers for their wages.

§ 29. Whenever there is no money in the treasury of any school district to meet and defray the ordinary and necessary expenses thereof, it shall be lawful for the board of directors to provide that all orders or warrants may be drawn and issued against and in anticipation of the collection of any taxes already levied by said directors for the payment of the ordinary and necessary expenses of any such district. to the extent of seventy-five per centum of the total amount of said tax levy: *Provided*, that warrants drawn and issued under the provisions of this section shall show upon their face that they are payable solely from said taxes when collected, and not otherwise, and such warrants shall be received by any collector of taxes in payment of the taxes against which they are issued, and which taxes against which said warrants or orders are drawn shall be set apart and held for their payment.

§ 30. The school directors shall be liable as directors for the balance due teachers, and for all debts legally contracted.

§ 31. It shall not be lawful for a board of directors to purchase or locate a school house site, or to purchase, build or move a school house, or to levy a tax to extend schools beyond nine months without a vote of the people at an election called and conducted as required by section 4 of article IX of this act. A majority of the votes cast shall be necessary to authorize the directors to act: *Provided*, that if no one locality shall receive a majority of all the votes cast at such election, the directors may, if in their judgment the public interest requires it, proceed to select a suitable school house site; and the site so chosen by them shall, in such case, be legal and valid, the same as if it had been determined by a majority of the votes cast; and the site so selected by either of the methods above provided shall be the school house site for such district; and said district shall have the right to take the same for the purpose of a school house site either with or without the owner's consent, by condemnation or otherwise.

§ 32. In case the compensation to be paid for the school house site mentioned in the preceding section can not for any reason be agreed upon or determined between the school directors and the parties interested in the land taken for such site, then it shall be the duty of the directors of such district to proceed to have such compensation determined in the manner which may be at the time provided by law for the exercise of the right of eminent domain: *Provided*, that no tract of land lying outside of the limits of any incorporated city or village, and lying within forty rods of the dwelling house of the owner of the land, shall be taken for a school site without the owner's consent.

§ 33. Any director wilfully failing to perform his duties as director under this act, may be removed by the county superintendent, and a new election ordered, as in other cases of vacancies.

§ 34. All funds belonging to any school district, and coming from any source, shall be paid out only on order of the board of directors, signed by the president and clerk of said board, or by a majority of said board. In all such orders shall be stated the purpose for which or on what account such order was drawn. Such order may be in the following form:

The treasurer of township No....., range No....., in ..... county, will pay to ..... or bearer, ..... dollars and ..... cents, (on his contract for repairing school house, or whatever the purpose may be). By order of the board of directors of school district No. ...., in said township.

A.....B....., *President.*  
C.....D....., *Clerk.*

§ 35. Pupils shall not be transferred from one district to another without the written consent of a majority of the directors of each district, which written consent shall be delivered to and filed with the proper township treasurer, and shall be evidence of such consent. A separate schedule shall be kept for each district, and in each schedule shall be certified the proper amount due the teacher from that district, computed upon the basis of the total number of days' attendance of all schedules. If the district from which the pupils are transferred is in the same township as the district in which the school is taught, the directors of said district shall deliver the separate schedules to their township treasurer, who shall credit the district in which the school was taught, and charge the other district with the respective amounts certified in said separate schedules to be due. If pupils are transferred from a district of another township, the schedule for that district shall be delivered to the directors thereof, who shall immediately draw an order on their treasurer in favor of the treasurer of the township in which the school was taught for the amount certified to be due in said separate schedule.

§ 36. When a school is composed in part of pupils transferred, as provided for in the preceding section, from other townships, the duty of collecting the amount due on account of such pupils shall devolve upon the directors of the district in which the school was taught.

## ARTICLE VI.

## BOARD OF EDUCATION.

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| <p>§ 1. Cities and villages.</p> <p>§ 2. Boards of education in all districts not less than 1,000 inhabitants; number of members.</p> <p>§ 3. President of the board.</p> <p>§ 4. Duties and powers of the president.</p> <p>§ 5. Annual election of members; term of office.</p> <p>§ 6. Notice of election; form of notice.</p> <p>§ 7. Election on any Saturday.</p> <p>§ 8. Conduct of election.</p> <p>§ 9. Election of members of board of education to succeed directors.</p> <p>§ 10. Powers and duties of the board defined.</p> <p>§ 11. Yeas and nays.</p> <p>§ 12. Business to be done at a regular or special meeting.</p> <p>§ 13. Conveyances of real estate; how made.</p> <p>§ 14. School moneys in charge of township treasurer.</p> <p>§ 15. Special acts may be relinquished; manner of change and form of notice.</p> | <p>§ 16. Redistricting under this act; election of school boards.</p> <p>§ 17. Number of members in board of education of cities having over 100,000 inhabitants, and manner of their appointment.</p> <p>§ 18. Eligibility to membership in boards of education in such cities.</p> <p>§ 19. Organization; employés of the board; term, etc.</p> <p>§ 20. Records; yeas and nays.</p> <p>§ 21. Powers with concurrence of city council defined.</p> <p>§ 22. Other powers defined.</p> <p>§ 23. Duties defined.</p> <p>§ 24. Business to be done at a regular meeting.</p> <p>§ 25. Conveyances of real estate made to city in trust.</p> <p>§ 26. School moneys held by city treasurer.</p> <p>§ 27. City not liable for excess of expenditures; board not authorized to tax.</p> <p>§ 28. Powers of board not to be exercised by city council.</p> |
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SECTION 1. Incorporated cities and villages, except such as now have charge and control of free schools by special acts, shall be and remain parts of the school townships in which they are respectively situated, and be subject to the general provisions of the school law, except as otherwise provided in this article.

§ 2. In all school districts having a population of not less than one thousand and not over one hundred thousand inhabitants, and not governed by any special act in relation to free schools now in force, there shall be elected, instead of the directors provided by law in other districts, a board of education, to consist of a president of the board of education, six members, and three additional members for every additional ten thousand inhabitants. Whenever additional members of such board of education are to be elected by reason of increased population of such district, such members shall be elected on the third Saturday of April succeeding the ascertaining of such increase by any general or special census, and the notice of such election shall designate the term for which the members are to be elected, so that one-third of the board shall be elected for each year: *Provided*, that in no case shall said board consist of more than fifteen members.

§ 3. The president of said board of education shall be elected annually, at the same time the members of the board of education are elected, and he shall hold his office for the term of one year, and until his successor is elected and qualified.

§ 4. The president of the board of education so elected shall preside at all meetings of said board, and shall give the casting vote in case of a tie between the members thereof, but otherwise he shall not have a vote. He shall sign all orders for the payment of money ordered by said board, and generally perform such duties as are imposed by law upon presidents of boards of directors, or that may be imposed upon him by said board of education, not in conflict with law: *Provided*, that in the absence or inability to act as said president, said board may appoint a president *pro tempore* from their number.

§ 5. The annual election of members of the board of education shall be on the third Saturday in April, when one-third of the members shall be elected for three years, and until their successors are elected and qualified.

§ 6. Notice of such election shall be given by the board of education at least ten days previous to such election by posting notices in at least three of the most public places in said district, which shall specify the place where such election is to be held, the time of opening and closing the polls and the purpose for which such election is held, which notice may be in the following form, to-wit:

Public notice is hereby given, that on Saturday, the ..... day of April A. D. .... an election will be held at ..... between the hours of ..... and ..... of said day, for the purpose of electing a president of the board of education of district No. ...., township No. ...., range No. .... and ..... members of the board of education of said district.

Dated this ..... day of ....., A. D. ....

A. .... B. .... *President*.  
C. .... D. ...., *Clerk*.

§ 7. In case of a failure to give the notice above provided for, such election may be held on any Saturday after such notice has been give as aforesaid.

§ 8. Such election shall be conducted in the same manner, and be governed by the provisions of this act relating to the election of boards of directors, except as otherwise provided by law.

§ 9. At the first election of directors succeeding the passage of this act, in any district having a population of not less than one thousand (1,000) inhabitants by the census of 1880, and in such other districts as may hereafter be ascertained by any special or general census to have a population of not less than one thousand (1,000) inhabitants, at the first election of directors occurring after taking such special or general census, there shall be elected a board of education, who shall be the successors of the directors of the district; and all rights of property and all rights or causes of action existing or vested in such directors, shall vest in said board of education, in as full and complete a manner as was vested in the school directors. Such board,

at its first meeting, shall fix, by lot, the terms of office of its members so that one-third of them shall serve for one year, one-third for two years and one-third for three years, and thereafter one-third shall be elected annually on the third Saturday in April, to fill the vacancies occurring, and to serve for the term of three years.

§ 10. The board of education shall have all the powers of school directors; and, in addition thereto and inclusive thereof, they shall have the power and it shall be their duty—

*First*—To establish and support free schools not less than six nor more than ten months in each year.

*Second*—To repair and improve school houses, and to furnish them with the necessary fixtures, furniture, apparatus, libraries and fuel.

*Third*—To examine teachers as supplemental to any other examination, to employ teachers and to fix the amount of their salaries. [As amended by act approved June 19, 1893.]

*Fourth*—To establish schools of different grades, and make regulations for the admission of pupils into the same.

*Fifth*—To buy or lease sites for school houses, with the necessary grounds: *Provided*, it shall not be lawful for such board of education to purchase or locate a school house site, or to purchase, build or move a school house, unless authorized by a majority of all voters voting at an election called for such purpose in pursuance of a petition signed by not less than five hundred (500) legal voters of such district, or by one-fifth of all the legal voters of such district.

*Sixth*—To levy a tax, annually, upon the taxable property of the district, in the manner provided in article VIII of this act, for the purpose of supporting and maintaining free schools in accordance with the powers herein conferred: *Provided*, that it shall not be lawful for such board of education to levy a tax to extend schools beyond a period of ten months in each year, except upon petition of a majority of the voters of the district: *And, provided further*, that all taxes shall be levied under the limitations relating to the percentage of the assessment, as provided by section 1, article VIII of this act.

*Seventh*—To employ, should they deem it expedient, a competent and discreet person or persons as superintendent or superintendents of schools, and fix and pay a proper salary or salaries therefor, and such superintendent may be required to act as principal or teacher in such schools.

*Eighth*—To lay off and divide the district into sub-districts, and from time to time alter the same, create new ones and consolidate them.

*Ninth*—To visit all the public schools as often as once a month to inquire into the progress of scholars and the government of the schools.



*Tenth*—To prescribe the method and course of discipline and instruction in the respective schools, and to see that they are maintained and pursued in the proper manner.\*

*Eleventh*—To expel any pupil who may be guilty of gross disobedience or misconduct. No action shall lie against them for such expulsion.

*Twelfth*—To dismiss and remove any teacher whenever, in their opinion, he or she is not qualified to teach, or whenever, from any cause, the interests of the school may, in their opinion, require such removal or dismissal.

*Thirteenth*—To apportion the scholars to the several schools.

*Fourteenth*—To establish and promulgate all such by-laws, rules and regulations for the government and for the establishment and maintenance of a proper and uniform system of discipline in the several schools as may, in their opinion, be necessary.

*Fifteenth*—To take charge of the school houses, furniture, grounds and other property belonging to the district, and see that the same are kept in good condition, and not suffered to be unnecessarily injured or deteriorated.

*Sixteenth*—To provide fuel and such other necessities for the schools as, in their opinion, may be required in the school houses, or other property belonging to or under the control of the district.

*Seventeenth*—To appoint a secretary and provide well bound books at the expense of the school tax fund, in which shall be kept a faithful record of all their proceedings.

*Eighteenth*—To annually prepare and publish in some newspaper, or in pamphlet form, a report of the number of pupils instructed in the year preceding, the several branches of study pursued by them, of the number of persons between the ages of twelve and twenty-one unable to read and write, and the receipts and expenditures of each school, specifying the source of such receipts and the objects of such expenditures.

§ 11. In all questions involving the expenditure of money, the yeas and nays shall be taken and entered on the records of the proceedings of the board.

§ 12. None of the powers herein conferred upon boards of education shall be exercised by them, except at a regular or special meeting of the board.

§ 13. All conveyances of real estate shall be made to the township trustees in trust for the use of schools, and no conveyance of any real estate or interest therein used for school purposes, or held in trust for schools, shall be made, except by the board of trustees, upon the written request of such board of education.

§ 14. All money raised by taxation for school purposes, or received from the State common school fund, or from any other source, for school purposes, shall be held by the township treasurer as a

\* See act requiring and regulating the study of physiology and hygiene, approved June 9, 1897.

special fund for school purposes, subject to the order of the board of education, upon warrants signed by the president and secretary thereof.

§ 15. Any city, incorporated town, township or district in which free schools are now managed under any special act, may, by vote of its electors, cease to control such schools under such special act, and become part of the school township in which it is situated, and subject to the control of the trustees thereof, under and according to the provisions of this act.

Upon petition of fifty voters of such city, town, township or district, presented to the board having control and management of schools in such city, town, township or district, it shall be the duty of such board, at the next ensuing election to be held in such city, town or township or district, to cause to be submitted to the voters thereof, giving not less than fifteen days' notice thereof, by posting not less than five notices in the most public places in such city, town, township or district, the question of "Organization under the Free School Law;" which notice shall be in the following form, to-wit:

Public notice is hereby given that on the ..... day of..... A. D. ...., an election will be held at ....., between the hours of .....M. and .....M. of said day, for the purpose of deciding the question of "Organization under the Free School Law."

§ 16. If it shall appear, on a canvass of the returns of such election, that a majority of the votes cast at such election are "For Organization under the Free School Law," then at the next ensuing regular meeting of the board of trustees of the township or townships in which such city, incorporated town, township or district is situated, said trustees shall proceed to redistrict the township or townships as aforesaid, in such manner as shall suit the wishes and convenience of a majority of the inhabitants in their respective townships, and to make a division of funds and other property in the manner provided for by section 63 of article III of this act, and on any Saturday thereafter there shall be elected, in each of the new districts so formed, a director, directors or board of education, as the case may be, in the manner provided for in section 6 of article V of this act, and thereafter such districts shall proceed as other districts under this act; but all subsequent elections of directors or boards of education shall be conducted as provided in sections 5 and 8 of article V of this act.\*

§ 17. In cities having a population exceeding one hundred thousand inhabitants, from and after this act shall take effect, the board of education shall consist of twenty-one members, to be appointed by the mayor, by and with the advice and consent of the common council, seven of whom shall be appointed for the term of one year, seven for the term of two years, and seven for the term of three years: *Provided, however,* that in such cities wherein there is now a board of education, holding their office by appointment, such officers shall continue in office until the time at which their terms would have ex-

\* See further provision in act approved June 2, 1891, and act approved June 10, 1897.

pired under the law in force at the time of their appointment. At the expiration of the term of any members of said board, their successors shall be appointed in like manner and shall hold their office for the term of three years. Any vacancy which may occur shall be filled by the appointment of the mayor, with the approval of the common council, for the unexpired term: *And, provided further*, that from and after this act shall take effect there shall be appointed by the mayor, by and with the advice and consent of the common council, six members, two of whom shall be appointed for the term of one year, two for the term of two years, and two for the term of three years. [As amended by act approved June 22, 1891.]

§ 18. Any person having resided in any such city more than five years next preceding his appointment, shall be eligible to membership of such board of education.

§ 19. The said board of education shall appoint a president and secretary, the president to be appointed from their own number, and shall appoint such other officers and employés as such board shall deem necessary, and shall prescribe their duties and compensation and terms of office.

§ 20. The said board shall provide well-bound books, at the expense of the school tax fund, in which shall be kept a faithful record of all their proceedings. The yeas and nays shall be taken and entered on the records of the proceedings of the board upon all questions involving the expenditure of money.

§ 21. The said board of education shall have charge and control of the public schools in such cities, and shall have power, with the concurrence of the city council—

*First*—To erect or purchase buildings suitable for school houses, and keep the same in repair.

*Second*—To buy or lease sites for school houses, with the necessary grounds.

*Third*—To issue bonds for the purpose of building, furnishing and repairing school houses, for purchasing sites for the same, and to provide for the payment of said bonds; to borrow money for school purposes upon the credit of the city.

§ 22. The said board of education shall have power—

*First*—To furnish schools with the necessary fixtures, furniture and apparatus.

*Second*—To maintain, support and establish schools, and supply the inadequacy of the school funds for the salaries of school teachers from school taxes.

*Third*—To hire buildings or rooms for the use of the board.

*Fourth*—To hire buildings or rooms for the use of schools.

*Fifth*—To employ teachers and fix the amount of their compensation.

*Sixth*—To prescribe the school books to be used, and the studies in the different schools.\*

*Seventh*—To lay off and divide the city into school districts, and from time to time alter the same and create new ones, as circumstances may require, and generally to have and possess all the rights, powers and authority required for the proper management of schools, with power to enact such ordinances, as may be deemed necessary and expedient for such purpose.

*Eighth*—To expel any pupil who may be guilty of gross disobedience or misconduct.

*Ninth*—To dismiss and remove any teacher whenever, in their opinion, he or she is not qualified to teach, or whenever, from any cause, the interests of the school may, in their opinion, require such removal or dismissal.

*Tenth*—To apportion the scholars to the several schools.

*Eleventh*—To lease school property, and to loan moneys belonging to the school fund.

§ 23. It shall be the duty of such board of education—

*First*—To take the entire superintendence and control of the schools in such cities.

*Second*—To examine all persons offering themselves as candidates for teachers, and when found well qualified to give them certificates gratuitously.

*Third*—To visit all the public schools as often as once a month.

*Fourth*—To establish all such by-laws, rules and regulations for the government and for the establishment and maintenance of a proper and uniform system of discipline in the several schools as may, in their opinion, be necessary.

*Fifth*—To determine from time to time how many and what class of teachers may be employed in each of the public schools, and employ such teachers and fix their compensation.

*Sixth*—To take charge of the school houses, furniture, grounds and other property belonging to the school districts, and see that the same are kept in good condition and not suffered to be unnecessarily injured or deteriorated.

*Seventh*—To provide fuel and such other necessities for the schools as, in their opinion, may be required in the school houses, or other property belonging to the said districts.

*Eighth*—To inquire into the progress of scholars and the government of the schools.

*Ninth*—To prescribe the method and course of discipline and instruction in the respective schools, and to see that they are maintained and pursued in the proper manner.

*Tenth*—To prescribe what studies shall be taught, and what books and apparatus shall be used.

\* See act requiring and regulating the study of physiology and hygiene, approved June 19, 1897.



*Eleventh*—To report to the city council, from time to time, any suggestions they may deem expedient or requisite in relation to the schools and the school fund, or the management thereof, and generally to recommend the establishment of new schools and districts.

*Twelfth*—To prepare and publish an annual report, which shall include the receipts and expenditures of each school, specifying the source of such receipts and the object of such expenditures.

*Thirteenth*—To communicate to the city council, from time to time, such information within their possession as may be required.

§ 24. None of the powers herein conferred upon the board of education of such cities shall be exercised by them except at a regular meeting of such board.

§ 25. All conveyances of real estate shall be made to the city in trust, for the use of schools, and no sale of real estate or interest therein, used for school purposes, or held in trust for schools, shall be made except by the city council, upon the written request of such board of education.

§ 26. All moneys raised by taxation for school purposes or received from the State common school fund, or from any other source for school purposes, shall be held by the city treasurer as a special fund for school purposes, subject to the order of the board of education, upon warrants to be countersigned by the mayor and city clerk.

§ 27. Said board of education shall not add to the expenditures for school purposes anything over and above the amount that shall be received from the State common school fund, the rental of school lands or property, and the amount annually appropriated for such purposes. If said board shall so add to such expenditure the city shall not, in any case, be liable therefor. And nothing herein contained shall be construed so as to authorize any such board of education to levy or collect any tax upon the demand, or under the direction of such board of education.

§ 28. All schools in such cities shall be governed as hereinbefore stated, and no power given to the board of education shall be exercised by the city council of such city.



## ARTICLE VII.

## TEACHERS.

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| § 1. Age and qualifications; graduates of county normal schools.   | § 10. Annual institute.  |
| § 2. State certificates.   | § 11. No deduction of wages when attending institutes held on school days. |
| § 3. First and second grade certificates; subjects for examination; renewal and revocation; form of certificate. | § 12. Responsible for the property of the district.                        |
| § 4. Record by county superintendent.  | § 13. Must keep registers; form of register.                               |
| § 5. Must have a certificate.  | § 14. Schedules, or statements of attendance to be made; form of schedule. |
| § 6. Subjects to be taught.  | § 15. Schedules to be delivered to directors; certificate of directors.    |
| § 7. Examinations by county superintendent.  | § 16. Teacher's wages payable monthly; unpaid orders to draw interest.     |
| § 8. Fee to be charged.  | § 18. School month; holidays.  |
| § 9. Moneys thus received paid to county treasurer.  |  |

SECTION 1. No teacher shall be authorized to teach a common school under the provisions of this act who is not of good moral character, at least eighteen years of age, if a male, or seventeen years of age, if a female, and who does not possess a certificate of qualifications as hereinafter provided for: *Provided*, that in any county in which a county normal school is established, under the control of a county board of education, the diplomas of graduates in said normal school shall, when directed by said board, be taken by the county superintendent as sufficient evidence of qualification to entitle the holder to a first grade certificate; but such diplomas shall not be sufficient after two years from such graduation.

§ 2. The State Superintendent of Public Instruction is hereby authorized to grant State certificates to such teachers as may be found worthy to receive them: such certificates shall be of two grades, and both shall be valid in every county and school district in the State. The higher grade shall be valid during the lifetime of the holder, and the lower grade shall be valid for five years. But State certificates shall only be granted upon public examination, of which due notice shall be given, in such branches and upon such terms and by such examiners as the State Superintendent and the principals of the State universities may prescribe. Said certificates may be revoked by the State Superintendent upon proof of immoral or unprofessional conduct. [As amended by an act approved April 28, 1893.]

§ 3. It shall be the duty of the county superintendent to grant certificates to such persons as may, upon due examination, be found qualified. Said certificates shall be of two grades: those of the first grade shall be valid in the county for two years, and shall certify that the person to whom such certificate is given is of good moral character, and is qualified to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, the elements of the natural sciences, the history of the United States,

physiology and the laws of health. Certificates of the second grade shall be valid for one year, and shall certify that the person to whom such certificate is given is of good moral character, and is qualified to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, and the history of the United States.\* *Provided*, that teachers exclusively teaching music, drawing, penmanship, book-keeping, German or any other special study shall not be required to be examined except in reference to such special study; and, in such cases, it shall not be lawful to employ such teachers to teach any branch of study except such as they have been examined upon and which shall be stated in the certificate. The county superintendent may, in his option, renew said certificates at their expiration by his endorsement thereon, and may revoke the same at any time for immorality, incompetency, or other just cause. Said certificates may be in the following form, viz.:

..... Illinois, ..... A. D. ....  
 The undersigned, having examined ..... in orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, the history of the United States, and methods of teaching, and being satisfied that ..... is of good moral character, hereby certifies that ..... qualifications in the above branches are such as to entitle ..... to this certificate, being of the ..... grade, and valid in said county for ..... year ..... from the date hereof, renewable at the option of the county superintendent by his endorsement thereon.

Given under my hand and seal at the date aforesaid.

A. B.,

*County Superintendent of Schools.*

[As amended by an act approved June 21, 1895.]

§ 4. Each county superintendent shall also keep a record, in a book provided for that purpose, of all teachers to whom he grants certificates. Said record shall show the date and grade of each certificate and all renewals granted, and the name, age and nativity of each teacher; and shall give the names of male and female teachers separately. Said record may be as follows, viz.:

Name.	Age.	Nativity.	Date.	Grade.	Experience.	Graduated.
Chas. Thompson.	25	Illinois.	Mar. 1, 1888	1	Has taught 5 years ..... State Normal University	

§ 5. No teacher shall be entitled to any portion of the common school or township fund, or other public fund, or be employed to teach any school under the provisions of this act, who shall not, at the time he enters upon his duties as such teacher, have a certificate of qualification obtained under the provisions of this act from the superintendent of the State, or the county superintendent of the county in which the school is located, entitling him to teach. [As amended by act approved June 19, 1893.]

\* See act requiring and regulating the study of physiology and hygiene, approved June 9, 1897.

§ 6. Every school established under the provisions of this act shall be for instruction in the branches of education prescribed in the qualifications for teachers, and in such other branches, including vocal music and drawing, as the directors, or the voters of the district at the annual election of directors, may prescribe.

§ 7. It shall be the duty of the county superintendents to hold meetings, at least quarterly, and oftener, if necessary, for the examination of teachers, on such days and in such places in the respective counties, as will, in their opinion, accommodate the greatest number of persons desiring such examination. Notice of such meetings shall be published a sufficient length of time, in at least one newspaper of general circulation, the expense of such publication to be paid out of the school fund.

§ 8. The county superintendent shall in all cases require the payment of a fee of one dollar from every applicant for examination for a teacher's certificate, and for each renewal of such a certificate he shall require the payment of a fee of one dollar.

§ 9. All moneys so received from applicants for teachers' certificates, and from the registration fees hereinafter provided for, the said county superintendent shall transmit monthly to the county treasurer, to be by him held and designated as the institute fund, and with such fund the county superintendent shall give the treasurer a list of the names of the persons paying such fees. Said fund shall be paid out by the county treasurer only upon the order of the county superintendent, and only to defray the expenses of the teachers' institutes, which the county superintendent is, by the following sections, authorized to hold. The county superintendent shall take vouchers for all payments made out of the institute fund, and he shall render an account of such disbursements, with vouchers for the same, to the county board at their regular meeting in September annually.

§ 10. The county superintendent shall hold, annually, a teachers' institute, continuing in session not less than five days, for the instruction of teachers and those who may desire to teach; and, with the concurrence of the State Superintendent of Public Instruction, procure such assistance as may be necessary to conduct said institute at such time as the schools of the county are generally closed: *Provided*, that two or more adjoining counties may hold an institute together. At every such institute, instruction shall be free to such as hold certificates good in the county (or counties where two or more join to hold an institute) in which the institute is held; but the county superintendent shall require all others attending to pay him a registration fee of one dollar, except those who have paid him an examination fee as required by section 8 of this article, and failed to receive a certificate.

§ 11. The time, not exceeding three days in any one term, or five days in any one school year, during term time, actually spent by a teacher of any public school in this State in attendance upon a teachers' institute, held under the direction of the county superintendent of schools, shall be considered time lawfully expended by

such teacher in the service of the district where such teacher is employed, and no deduction of wages shall be made for such absences. And it shall be the duty of the school officers and boards of education to allow teachers to close their schools for such attendance upon such institute.

§ 12. It shall be the duty of every teacher employed in the public schools of the State to see that the school property of the district, placed under his care and control, is not unnecessarily damaged or destroyed. And no teacher shall be paid any part of the school funds, unless he shall have kept and furnished schedules (when required by law) as hereinafter directed, and shall also have satisfactorily accounted for all books, apparatus and other property belonging to the district, which he may have taken in charge.

§ 13. Teachers shall keep correct daily registers of their schools, which shall exhibit the name, age, and attendance of each pupil, the day of the week, the month and the year. Said registers shall be as nearly as may be, in the following form, the absence of each scholar being signified by a mark, the presence by a blank, viz.:

Register of a common school kept by A. B., at ..... in district No. .... in township No. .... range, ..... of the ..... principal meridian, in the county of ....., in the State of Illinois.

NAMES AND AGES OF SCHOLARS ATTENDING SCHOOL.		Total No. of days of each scholar.													
Names.	Ages.	1888.	1888.	1888.	1888.	1888.	1888.	1888.	1888.	1888.	1888.	1888.	1888.	1888.	1888.
		Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	Sunday.
John Smith.....	10	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Isaac Meisler.....	13	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Sarah Danforth.....	16														
Mary Newman.....	18		1												
Grand total No. of days .....															64

	Males.	Females	Total.
Number of Scholars .....	2	2	4
Average daily attendance.....			3.2

Said register shall be furnished to the teachers by the school directors, and each teacher shall, at the end of his term of school, return his register to the clerk of the school board of the district. And no teacher shall be paid any part of the public funds unless he shall have accurately kept and returned the register as aforesaid.



§ 14. In all districts controlled by a board of directors, teachers shall make schedules of the names of all scholars under twenty-one (21) years of age attending school, in the form prescribed by this act, and when scholars reside in two (2) or more districts, townships or counties, separate schedules shall be kept for each district, township or county. Boards of education may require teachers under their control to make schedules as herein directed, or to make statements certifying the number of days' attendance for each month, as shown by their registers, which statements shall be certified to by the board of education, and be subject to the same requirements concerning payment of teacher's salary and filing as those made by this act concerning schedules. The schedules to be made and returned by the teacher shall be, as near as circumstances will permit, in the following form, viz.:

Schedule of common school kept by..... at ..... in district No. ...., township No....., range No. .... of the ..... principal meridian, in the county of ..... in the State of Illinois. Names and ages of scholars residing in district No. .... in township No. .... north, range ..... west, ..... county, who have attended in my school during the time beginning the ..... day of ....., 18...., and ending the ..... day of ....., 18.... during which time the school was in session ..... school days.

Names.	Ages.	Days attended.
John Smith .....	10	15
Isaac Meisler .....	13	11
Sarah Danforth.....	16	20
Mary Newman.....	18	18
Grand total number of days' attendance .....		64

	Males.	Females.	Total.
Number of scholars .....	2	2	4
Average daily attendance.....			3.2

And said teacher shall add up the whole number of days' attendance of each scholar, and make out the grand total number of days' attendance. He shall also note the whole number of scholars, giving the males and females separately; the average daily attendance, and shall set the age of each pupil opposite the name of such pupil, as in the form above prescribed, and shall attach thereto his certificate, which shall be in the following form, viz.:

I certify that the foregoing schedule of scholars attending my school as therein named, and residing as specified in said schedule, to the best of my knowledge and belief, is correct.

A..... B....., *Teacher.*

§ 15. When the teacher shall have completed his or her schedule or schedules as provided in the foregoing section, he or she shall deliver it to some one of the directors, who shall, if requested, give the teacher a receipt for the same. And it shall be the duty of the



said director, in connection with at least one other director of the board, to carefully examine such schedule or schedules, and after correcting all errors, if any, if they shall find such schedule to have been kept according to law, they shall certify to the same as near as practicable, in the following form, viz.:

STATE OF ILLINOIS,                    }  
..... County.                    } ss.

We, the undersigned directors of district No. ...., township No. .... range No. ...., in the county aforesaid, certify that we have carefully examined the foregoing schedule and find the same to be correct, and that the school was conducted according to law; that the teacher is paid as per contract ..... dollars per .....; that the sum of ..... dollars is now due ..... for services for the month ending .....; that said teacher has a legal certificate of ..... grade, and that the property of said district in charge of such teacher has been satisfactorily accounted for.

Witness our hands this ..... day of ....., A. D. ....

.....  
.....  
.....

*Directors.*

§ 16. Teachers' wages are hereby declared due and payable monthly, and upon certifying to the schedule or statement, as hereinbefore provided for, the directors, or board of education, may at once make out and deliver to the teacher an order upon the township treasurer for the amount named in the schedule or statement; which order shall state the rate at which the teacher is paid according to his contract, the limits of the time for which the order pays, and that the directors have duly certified a schedule covering the time specified in such order: *Provided*, that in case said order shall be presented to the township treasurer and not paid for want of funds, said treasurer shall certify on the back of such order the date of presentation as required by section 18 of article IV of this act, and thereafter such order shall bear interest at the rate of eight per cent. per annum until paid, or until the said treasurer shall notify the clerk of the board of directors issuing such order that he has funds with which to pay the same.

§ 17. The school month shall be the same as the calendar month, but teachers shall not be required to teach upon Saturdays. Sundays, legal holidays, these being New Year's, Fourth of July, Christmas and Thanksgiving, and fast days appointed by the national or state authority; nor shall they be required to make up the time lost by closing school upon such days or upon such special holidays as may be granted the schools by the board of directors.

## ARTICLE VIII.

## REVENUE—TAXATION.

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| § 1. Power to tax; limitations.<br>§ 2. Certificate of tax levy; time of return; form.<br>§ 3. Return of certificate to county clerk; map filed.<br>§ 4. District in two counties.<br>§ 5. Taxes computed by county clerk.<br>§ 6. Assessors to designate the district.<br>§ 7. County clerk to copy numbers of districts; tax to be uniform. | § 8. Certificate of amount due each district.<br>§ 9. Collector to pay township treasurer.<br>§ 10. Districts lying in two townships.<br>§ 11. Penalty for failure to pay.<br>§ 12. Blank books and notices.<br>§ 13. Failure to file certificate does not vitiate the assessment. |
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SECTION 1. For the purpose of establishing and supporting free schools, for not less than five nor more than nine months in each year, and defraying all the expenses of the same of every description; for the purpose of repairing and improving school houses, of procuring furniture, fuel, libraries and apparatus, and for all other necessary incidental expenses in each district, village or city, anything in any special charter to the contrary notwithstanding, the directors of such district, and the authorities of such village or city shall be authorized to levy a tax annually upon all the taxable property of the district, village or city, not to exceed two per cent. for educational, and three per cent. for building purposes (except to pay indebtedness contracted previous to the passage of this act), the valuation to be ascertained by the last assessment for State and county taxes.

§ 2. The directors of each district shall ascertain, as near as practicable, annually, how much money must be raised by special tax for school purposes during the ensuing year, which amount shall be certified and returned to the township treasurer on or before the first Tuesday in August, annually. The certificate of the directors may be in the following form, viz.:

We hereby certify that we require the sum of ..... dollars, to be levied as a special tax for school purposes, and ..... dollars for building purposes, on the taxable property of our district, for the year A. D. ....

Given under our hands this ..... day of ..... A. D. ....

A. B.,	}	Directors district No ....., township
C. D.,	}	No ....., range No. ...., county
E. F.,	}	of ....., State of Illinois.

§ 3. It shall be the duty of township treasurer to return the certificate mentioned in the foregoing section to the county clerk, on or before the second Monday of August, and whenever the boundaries of the districts of the townships shall have been changed, the township treasurer shall return to the county clerk, with the certificates, a map of the township, showing such changes, and certified as required by the provisions of this act.

§ 4. When a district lies partly in two or more counties, the directors thereof shall ascertain as nearly as practicable the amount to be raised by special tax for school purposes, and shall prepare one certificate thereof for each county in which such district may lie, and deliver all of the said certificates to the township treasurer, who receives the tax money of such district, who shall return one each of such certificates to the county clerk of each county within which such district shall lie. On the first Monday of October, or as soon thereafter as may be practicable, annually, the county clerk of each of such counties shall ascertain the total equalized valuation of all the taxable property in that part of such district as shall lie in his county, and certify the amount thereof to the county clerk of each of the other counties in which such district may lie; and from the aggregate of such equalized valuation and from the certificate of the amount so required to be levied, such clerk shall ascertain the rate per cent. required to produce in such district the amount of such levy, and at that rate shall extend the special tax to be levied for school purposes in that part of such district lying in their respective counties. [As amended by act approved June 17, 1891.]

§ 5. According to the amount certified, as aforesaid, the county clerk, when making out the tax books for the collector, shall compute each taxable person's tax, in said district, upon the total amount of taxable property, as equalized by the State Board of Equalization for that year, lying and being in said district, whether belonging to residents or non-residents, and also each and every tract of land assessed by the assessor, which lies, or the largest part of which lies, in said district. The said county clerk shall cause each person's tax, so computed, to be set upon the tax book to be delivered to the collector for that year, in a separate column, against each taxpayer's name or parcel of taxable property, as it appears in said collector's books, to be collected in the same manner and at the same time and by the same persons as State and county taxes are collected.

§ 6. It shall be the duty of assessors, when making assessments of personal property, to designate the number of the school district in which each person so assessed resides; which designation shall be made by writing the number of such district opposite each person's assessment of personal property, in a column provided for that purpose, in the assessment roll returned by the assessor to the county clerk.

§ 7. It shall be the duty of the county clerk to copy said numbers of school districts, so returned by the assessor, into the collector's book and to extend the school tax on each person's assessment of personal property, according to the rate required by the amount designated by the directors of the school district in which such person resides. The computations of each person's tax and the levy made by the clerk, as aforesaid, shall be final and conclusive: *Provided*, the rate shall be uniform and shall not exceed that required by the amount certified by the board of directors.

§ 8. The county clerk before delivering the tax book to the collector, shall make out and send by mail, to each township treasurer

in the county, a certificate of the amount due each district or fraction of a district in his township, of said tax so levied and placed upon the tax books.

§ 9. On or before the first day of April next, after the delivery of the tax books containing the computation and levy of the said taxes, or so soon thereafter as the township treasurer shall present the said certificate of the amount of the said tax, and make a demand therefor, the said collector shall pay to said township treasurer the full amount of said tax so certified by the county clerk, or in case any part thereof remains uncollected, said collector shall, in addition to the amount collected, deliver to said township treasurer a statement of the uncollected taxes for each district of such township, taking of the township treasurer his receipt therefor, which receipt shall be evidence as well in favor of the collector as against the township treasurer. The said treasurer shall enter the amount collected in his books under the proper heads, and pay the same out as provided for by this act.

§ 10. When a district is composed of parts of two or more townships, the directors shall determine and inform the collectors of said townships, and the collector or collectors of the county or counties, in which said townships lie, in writing, under their hands as directors, which of the treasurers of the townships, from which their district is formed, shall demand and receive the tax money collected by the said collectors as aforesaid.

§ 11. If any collectors shall fail to pay the amount of said tax, or any part thereof, as required by the provisions of section nine (9) of this article, of this act, it shall be competent for the township treasurer, or other authorized person, to proceed against said collector and his securities in any action of debt upon his official bond, in any court of competent jurisdiction. And the said collector so in default shall pay twelve per centum upon the amount due, to be assessed as damages, which shall be included in the judgment rendered against him: *Provided*, no collector shall be liable for such part of said tax as he shall be able to make appear he could not have collected by law, until he has collected or may be able to so collect such amount.

§ 12. It is hereby made the duty of the proper officers in preparing blank books and notices for the use of assessors to provide columns and blanks for the use of assessors, so that they may designate the number of the school district, as provided for in section six (6) of this article of this act.

§ 13. A failure by the directors to file their certificates, or of the township treasurer to return the same to the county clerk in the time required by this act, shall not vitiate the assessment, but the same shall be as legal and valid as if completed in the time required by law.



## ARTICLE IX.

## BONDS.

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| § 1. Vote necessary to borrow money; limit of sum borrowed.<br>§ 2. Registry of bonds.<br>§ 3. Money paid into school treasury of township; cancellation of bonds.<br>§ 4. Election for borrowing money; form of notice. | § 5. Judges.<br>§ 6. Poll book returned; penalty for failure to return poll book.<br>§ 7. Refunding school district bonds. |
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SECTION 1. For the purpose of building school houses or purchasing school sites, or for repairing and improving the same, the directors of any school district, when authorized by a majority of all the votes cast at an election called for that purpose, may borrow money, issuing bonds signed by not less than two members of said board of directors, in sums of not less than one hundred dollars (\$100), and bearing interest at a rate not exceeding eight per centum per annum.\* *Provided*, that the sum borrowed in any one year shall not exceed five per cent. (including existing indebtedness) of the taxable property of the district, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness.

§ 2. All bonds authorized to be issued by virtue of the foregoing section before being so issued, negotiated and sold, shall be registered, numbered and countersigned by the school treasurer of the township wherein the school house of such district is, or is to be located. Such register shall be made in a "bond register" book to be kept for that purpose, and in this register shall first be entered the record of the election authorizing the directors to borrow money, and then a description of the bonds issued by virtue of such authority as to number, date, to whom issued, amount, rate of interest and when due.

§ 3. All moneys borrowed under the authority granted by this article of this act, shall be paid into the school treasury of the township wherein the bonds issued therefor are required to be registered, and, upon receiving such moneys, the treasurer shall deliver such bond or bonds issued therefor to the parties entitled to receive the same, and shall credit the funds received to the district issuing the bonds. The treasurer of said township shall enter in the said "bond register" the exact amount received for each and every bond issued. And when any such bonds are paid, the said township treasurer shall cancel the same and shall enter in the said "bond register," against the record of such bonds, the words, "paid and cancelled the . . . . . day of . . . . . A. D. . . . .," filling the blanks with the day, month and year corresponding with the date of such payment.

§ 4. Whenever it is desired to hold an election for the purpose of borrowing money, as provided for in this article of this act, the directors of the district in which such election is to be held, shall give

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\* 7 per cent. is the highest rate allowed by law on loans made on or after July 1, 1891.



at least ten days' notice of the holding of such election, by posting notices in at least three of the most public places in such district. Such notices shall specify the place where such election is to be held, the time of opening and closing the polls, and the question or proposition to be voted upon, which notice may be substantially in the following form, viz.:

NOTICE OF ELECTION.

Public notice is hereby given that on the.....day of.....  
A. D....., an election will be held at ..... school district  
No....., in township No....., range No....., of the principal meridian  
in.....county, Illinois, for the purpose of voting "For" or  
"Against" the proposition to issue the bonds of said school district No.....  
to the amount of.....dollars due (here insert the times  
of payment, giving the amount falling due each year, if the bonds mature at  
different dates), which bonds are to bear interest at the rate of.....percent.  
per annum, payable.....annually.

The polls of said election will be opened at.....o'clock....M., and will remain open until.....o'clock....M.

Dated this.....day of....., A. D....

A. B.,  
C. D.,  
E. F.,

*Directors.*

§ 5. At such election two of the directors of such district shall act as judges and one of said directors shall act as clerk. In case either or any of said directors shall fail, from any cause, to be present or to act at such election, at the time of opening the polls thereof, the legal voters assembled shall choose, from their number, persons to act as such two judges, and a clerk of said election. The said judges and the said clerk shall take and subscribe the oath required of judges and clerks of an election held for State or county officers, and such oath may be administered in the same manner as is or may be provided by law for administering the oath to judges and clerks at a State or county election. At such election all votes shall be by ballot. In districts which have adopted the provisions of "An act regulating the holding of elections, and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, the said election shall be held under the provisions of said act.

§ 6. Within ten days after every such election, the judges shall cause the poll-book to be returned to the township treasurer, who is required to register such bonds, with a certificate thereon showing the result of such election, which poll-book shall be filed and safely kept by the said township treasurer, and shall be evidence of such election. For a failure to return such poll-book to such treasurer within the time prescribed, the judges of said election shall severally be liable to a penalty of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), to be recovered in a suit in the name of the People of the State of Illinois, before any justice of the peace, and, when collected, shall be added to the township school fund of the township in which said treasurer resides.

§ 7. In all cases where any school district has heretofore issued or may hereafter issue bonds, or other evidences of indebtedness, for money on account of any public school building or other public improvement, or for any other purposes which are now binding and subsisting legal obligations against said school district, and remaining outstanding, and which are properly authorized by law, the proper authorities of such school district may, upon the surrender of any such bonds or other evidences of indebtedness, or any number thereof, issue in place or in lieu thereof, or to take up the same, to the holders or owners of the same, or to other persons for money with which to take up the same, new bonds or other evidences of indebtedness, in such form, for such amount, upon such time, not exceeding the term of twenty (20) years, and drawing such rate of interest not exceeding eight (8) per centum per annum,\* as may be determined upon; and such new bonds or other evidences of indebtedness so issued shall show, on their face, that they are issued under this act: *Provided*, that the issue of such new bonds in lieu of such indebtedness shall first be authorized by a vote of the legal voters of such school district voting at an election called and conducted as other elections provided for by this article of this act: *And, provided further*, that such bonds or other evidences of indebtedness shall not be issued so as to increase the aggregate indebtedness of such school district beyond five (5) per centum on the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes prior to the issuing of such bonds or other evidences of indebtedness.

## ARTICLE X.

### COUNTY CLERK.

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| <p>§ 1. To furnish to county superintendent a list of trustees elected.</p> <p>§ 2. To file papers relating to changes in district boundaries; penalty for failure to do so.</p> <p>§ 3. To furnish certificate of equalized value of taxable property in case of district in two counties.</p> <p>§ 4. To furnish certificate of equalized value of taxable property to any district.</p> | <p>§ 5. To compute tax: to copy the numbers of districts; to extend tax and to send certificate of amount due each district, etc.</p> <p>§ 6. To certify to bills of county superintendents, and to transmit them to State Auditor.</p> <p>§ 7. To record land sales reported by county superintendent.</p> |
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SECTION 1. In all cases where, by any provision of laws, the returns of any election for school trustees are made to the county clerk of any county, it shall be the duty of the county clerk, within ten days after such returns have been made to him as aforesaid, to furnish to the county superintendent of schools a list of all such trustees so returned to him, and the township from which the same have been so returned.

\* 7 per cent. is the highest rate allowed by law on loans made on or after July 1, 1891.

§ 2. Whenever any change shall be made in the boundaries of any school district, and a written statement or record of such change shall be delivered to the county clerk of such county, it shall be the duty of said county clerk to file such statement or record and all papers relating thereto and duly record the same in the records of his office: and in case of neglect or failure so to do, the said county clerk shall be liable to a penalty of twenty-five dollars (\$25), to be recovered by an action of debt before any justice of the peace, at the suit of the county superintendent, for the benefit of the school fund of the said county.

§ 3. Whenever any school district lies partly in two or more counties, it shall be the duty of the county clerk of each county in which any part of such district lies to furnish, upon request, to the directors of such district a certificate showing the last ascertained equalized value of the taxable property in that part of such district lying in such county.

§ 4. It shall be the duty of the county clerk to furnish to the directors of any school district, or to the board of education in districts having a board of education, upon request, a certificate showing the last ascertained equalized value of the taxable property of such district, as the same appears of record in his office.

§ 5. It shall be the duty of the county clerk, when making out the tax books for the collector, to compute each taxable person's tax in each school district, upon the total amount of taxable property, as equalized by the State Board of Equalization for that year, lying and being in such district, whether belonging to residents or non-residents, and also each and every tract of land assessed by the assessor which lies, or the largest part of which lies, in such district. Such computation shall be made so as to realize the amount of money required to be raised in such district, as shown and set forth in the certificate of tax levy, made out by the directors of such district, and filed with the township treasurer, as required by the provisions of this act. The said county clerk shall cause each person's tax, so computed, to be set upon the tax book to be delivered to the collector for that year, in a separate column against each tax payer's name, or parcel of taxable property, as it appears in said collector's books, to be collected in the same manner, and at the same time, and by the same person, as State and county taxes are collected. In making up the tax books to be delivered to the collectors of taxes, the county clerk shall copy into such tax books the number of the school district set opposite to each person's assessment of personal property by the assessor making the assessment of such person, and to extend the school tax on each person's assessment of personal property, according to the rate required by the amount designated by the directors of the school district in which such person resides, as shown by said certificate of tax levy. The computation of each person's tax and the levy made by the clerk, as aforesaid, shall be final and conclusive: *Provided*, that the rate shall be uniform, and shall not exceed that required by the amount certified by the board of directors. The said county clerk, before delivering the tax book to the collector, shall make out and send by mail to each township

treasurer of the county a certificate of the amount due each district, or fraction of a district, in his township, of said tax so levied and placed upon the tax books.

§ 6. Whenever the county board of any county shall have audited the itemized bills of the county superintendents of schools or their assistants, as required by the provisions of this act, it shall be the duty of the county clerk of such county to certify to such act, and transmit the said bills to the Auditor of Public Accounts, who shall, upon the receipt of them, remit, in payment thereof to each superintendent, his warrant upon the State Treasurer for the amount certified to be due him; and the Auditor, in making his warrant to any county for the amount due from the State school fund, shall deduct from it the several amounts for which warrants have been issued to the county superintendent of said county since the next preceding apportionment of the State school fund.

§ 7. The county clerk of each county shall preserve and record in a well-bound book to be kept for that purpose, the report of the county superintendent, made to the county board at the first regular term of such board in each year, relating to the sale of school lands, the amount of money received, paid, loaned out and on hand, belonging to each township fund in his control, and the statement copied from the loan book of such county superintendent, showing all the facts in regard to loans, which are required to be stated on the loan book.

## ARTICLE XI.

### COUNTY BOARD.

§ 1. Powers of the county board defined.

§ 3. Statement of land sales by the county board.

§ 2. Duties of the county board defined.

SECTION 1. The county board of each county of this State shall have power—

*First*—To approve the bond of the county superintendent of schools.

*Second*—To increase the penalty of the bond of the county superintendent of schools beyond twelve thousand dollars (\$12,000) if, in the discretion of said county board, such bond should be so increased.

*Third*—To remove the county superintendent of schools from office for any palpable violation of law or omission of duty.\*

*Fourth*—To require the county superintendent of schools, after notice given, to execute a new bond, conditioned and approved as the first bond, whenever in the discretion of the county board such new bond is necessary: *Provided, however*, that the execution of such new bond shall not affect the old bond or the liability of the security thereof.

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\* This grant of power is not annulled by the repeal of section 7, article II.



*Fifth*—To require the county superintendent of schools to make the reports to such board provided for by law, and to remove him from office in case of neglect or refusal so to do.

*Sixth*—In counties having not more than one hundred (100) schools, the board may limit the time of the superintendent of schools: *Provided*, that in the counties having not more than fifty (50) schools the limit of time shall not be less than one hundred and fifty (150) days a year; in counties having from fifty-one (51) to seventy-five (75) schools, not less than two hundred (200) days a year; and in counties having from seventy-six (76) to one hundred (100) schools, not less than two hundred and fifty (250) days.

*Seventh*—Said county board shall authorize the county superintendent of schools to employ such assistants as he needs for the full discharge of his duties, and said county board shall fix the compensation to be paid therefor, which compensation shall be paid out of the county treasury.

2. It shall be the duty of the county board of each county of this State—

*First*—To provide for the county superintendent of schools a suitable office with necessary furniture and office supplies, as is done in the case of other county officers.

*Second*—When the office of county superintendent of schools shall become vacant by death, resignation, removal or otherwise, to fill the same by appointment. And the person so appointed shall hold his office until the next election of county officers, at which election the said board shall order the election of a successor.

*Third*—To examine and approve or reject the report of the county superintendent of schools made to such board, and the notes and securities taken by such superintendent for school funds.

*Fourth*—At the regular meeting in September, and as near quarterly thereafter, as such board may have regular or special meetings, to audit the itemized bills of the county superintendent, and of his assistants, for their per diem compensation and expenses allowed by law for visiting schools.

§ 3. At the first regular term of the county board, in each year, the county superintendent shall present to the county board of his county—

*First*—A statement showing the sales of school lands made subsequent to the first regular term of the previous year, which shall be a true copy of the sale book (book B).

*Second*—Statements of the amount of money received, paid, loaned out and in hand, belonging to each township or fund under his control, the statement of each fund to be separate.

*Third*—Statements copied from his loan book (book C), showing all the facts in regard to loans which are required to be stated on the loan book.

All of which the county board shall thereupon examine and compare with the vouchers, and the said county board, or so many of



them as may be present at the meeting of the board, shall be liable individually to the fund injured and to the securities of the county superintendent, in case judgment be recovered of the said securities, for all damages occasioned by a neglect of the duties, or any of them, required of said board by this section: *Provided*, nothing herein contained shall be construed to exempt the securities of said county superintendent from any liability as such securities, but they shall still be liable to the fund injured the same as if the members of the county board were not liable to them for neglect of their duty.

## ARTICLE XII.

### SCHOOL FUNDS.

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| <p>§ 1. To consist of a two-mill tax; interest of school fund proper and of surplus revenue.</p> <p>§ 2. State to pay interest.</p> <p>§ 3. Dividend to counties made by State Auditor.</p> <p>§ 4. Warrants issued by the State Auditor, and received from the collectors by State Treasurers.</p> <p>§ 5. County superintendent to proceed against collector on his refusal to pay.</p> | <p>§ 6. Proceeds of the sale of sixteenth section, etc., constitute principal of township fund, etc.; interest distributed.</p> <p>§ 7. Moneys paid out upon orders.</p> <p>§ 8. Form of orders; filing of orders.</p> <p>§ 9. Union districts; receipts to be taken.</p> <p>§ 10. Loans in districts under a special charter.</p> |
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SECTION 1. The common school fund of this State shall consist of the proceeds of a two-mill tax to be levied upon each dollar's valuation of the property in the State, annually, until otherwise provided by law; the interest on which is known as the school fund proper, being three per cent. upon the proceeds of the sales of the public lands in the State, one-sixth part excepted, and the interest on what is known as the surplus revenue, distributed by act of congress and made a part of the common school fund by act of the Legislature, March 4, 1837.

§ 2. The State shall pay the interest mentioned in the preceding section at the rate of six per cent. per annum, annually, to be paid into, and become a part of, said school fund.

§ 3. On the first Monday in January in each and every year next after taking the census of the State, by federal or State authority, the Auditor of Public Accounts shall ascertain the number of children in each county in the State, under twenty-one years of age, and shall thereupon make a dividend to each county of the sum from the tax levied and collected under the provisions of the first section of this article of this act, and of the interest due on the school fund proper and surplus revenue, in proportion to the number of children in each county under the age aforesaid, and issue his warrant to the superintendent of schools of each county upon the collector thereof. Upon presentation of said warrant by the county superintendent to the collector of his county, said collector or the treasurer shall pay over to the county superintendent the amount of said warrant out of

the first funds which may be collected by him and not otherwise appropriated by law, taking said superintendent's receipt therefor.

§ 4. The said warrants issued by the Auditor of Public Accounts for the school fund tax, and for the interest of the school fund proper and surplus revenue, shall be received by the State Treasurer in payment of amounts due the State from county collectors; and on presentation by the State Treasurer of said warrants to said Auditor, he shall issue his warrant to said treasurer of the school fund, for the amount of the school fund tax warrants, and on the revenue fund for the amount of the warrants for interest on the school fund proper and surplus revenue. Dividends shall be made as aforesaid, according to the proportions ascertained to be due to each county annually, thereafter, until another census shall have been taken, and then dividends shall be made and continued as aforesaid, according to the last census.

§ 5. If any collector shall fail or refuse to pay the amount of the aforesaid Auditor's warrant, or any part thereof, by the first day of March, annually, or as soon thereafter as it may be presented, it shall be competent for the county superintendent to proceed against said collector and his securities in an action of debt, in any court having competent jurisdiction, and the said collector shall pay interest at the rate of twelve per centum per annum, to be assessed as damages upon the amount due, and which interest shall be included in the judgment obtained against him: *Provided*, that if it satisfactorily appears to the court that on said first day of March, or on the day of presentation for payment thereafter, that said collector had not, as yet, collected funds sufficient to pay said warrant, said interest shall not be allowed upon said warrant.

§ 6. All bonds, notes, mortgages, moneys and effects which have heretofore accrued or may hereafter accrue from the sale of the sixteenth section of the common school lands of any township or county, or from the sale of any real estate or other property taken on any judgment or for any debt due to the principal of any township or county fund, and all other funds of every description which have been or may hereafter be carried to and made part of the principal of any township or county fund, by any law which has heretofore been, is now or may hereafter be enacted, are hereby declared to be and shall forever constitute the principal of the township or county fund, respectively; and no part thereof shall ever be distributed or expended for any purpose whatever, but the same shall be loaned out and held to use, rent or profit, as provided by law. But the interest, rents, issues and profits, arising and accruing from the principal of said township or county fund, shall be distributed in the manner and at the times as provided by this act; nor shall any part of such interest, rents, issues and profits be carried to the principal of the respective funds, except it appear on the first Monday in October in any year, that there is rent, interest or other funds on hand which are not required for distribution, such amount not required, as aforesaid, may, if the board of trustees see proper, forever be considered as principal in the funds to which it belongs and loaned as such.

§ 7. School funds collected from special taxes, levied by order of school directors, or from the sale of property belonging to any district, shall be paid out only on the order of the proper board of directors; and all other moneys or school funds liable to distribution, paid into the township treasury, or coming into the hands of the township treasurer, shall, after said funds have been apportioned by the township trustees, as required in section 26 of article III of this act, be paid out only on the order of the proper board of directors, signed by the president and clerk of said board, or by a majority of said board. For all payments made, receipts shall be taken and filed by said board of directors.

§ 8. In all such orders shall be stated the purpose for which or on what account drawn. Said orders may be in the following form, viz.:

The treasurer of township No....., range No....., in.....county, will pay to ..... or order, ..... dollars and..... cents (on his contract for repairing school house, or whatever the case may be.)

By order of the board of directors of school district No....., in said township.

A. B., *President.*  
C. D., *Clerk.*

Which order, together with the receipt of the person to whom paid, shall be filed in the office of the township treasurer: *Provided*, that when an order is paid in full, such order, if properly endorsed by the person in whose favor it was drawn, and his assigns, if any, shall be a sufficient receipt for the purposes of this section.

§ 9. When a district is composed of parts of two or more townships, the township treasurer or treasurers who do not receive the tax money of said district, shall, when they hold any funds belonging to said district, notify the directors thereof of the amount of such funds, and the directors shall thereupon give the treasurer who receives the tax money of said district an order for such funds, and upon receipt thereof he shall hold them, to be paid out as aforesaid.

§ 10. In all cases where school funds are held by any person or persons in an official capacity, by virtue of any special charter defining the manner of loaning the same, such money may be loaned upon the same terms and conditions as are provided by this act, or may hereafter be provided, by the school laws of this State, for loaning the school funds of counties or townships.

## ARTICLE XIII.

## SCHOOL LANDS.

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| <p>§ 1. Section sixteen.</p> <p>§ 2. Business relating to school lands; where transacted.</p> <p>§ 3. Renting and sale of school lands.</p> <p>§ 4. Right of way and depot grounds for use of railroads.</p> <p>§ 5. Trespass on school land; penalty.</p> <p>§ 6. Trespasser liable to indictment.</p> <p>§ 7. Penalties and fines to be paid to township treasurer.</p> <p>§ 8. Petition for sale.</p> <p>§ 9. Fractional township.</p> <p>§ 10. Divided into lots by trustees.</p> <p>§ 11. Making of a plat.</p> <p>§ 12. Size of lots, roads and streets.</p> <p>§ 13. Valuation plats and certificate given to county superintendent.</p> <p>§ 14. Advertising the sale; form of notice.</p> | <p>§ 15. Place of sale.</p> <p>§ 16. Terms of sale; amount of bid borrowed.</p> <p>§ 17. Manner of sale.</p> <p>§ 18. Payment; land resold; suit instituted.</p> <p>§ 19. Unsold land afterwards subject to sale.</p> <p>§ 20. Re-valuation of unsold land; no petition required.</p> <p>§ 21. Certificate of purchase.</p> <p>§ 22. Statement of sales by county superintendent.</p> <p>§ 23. Transcript sent to Auditor.</p> <p>§ 24. Patents; certificates of sale; evidence of sale.</p> <p>§ 25. Duplicates of certificates of purchase.</p> <p>§ 26. Real estate taken for debt, sold by county superintendent.</p> <p>§ 27. Trustees may dedicate land for streets.</p> |
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SECTION 1. Section number sixteen (16) in every township granted to the State by the United States for the use of schools, and such sections and parts of section as have been or may be granted, as aforesaid, in lieu of all or part of section number sixteen (16), and also the lands which have been or may be selected and granted as aforesaid, for the use of schools, to the inhabitants of fractional townships in which there is no section number sixteen (16), or where such section shall not contain the proper proportion for the use of schools in such fractional township, shall be held as common school lands; and the provisions of this act referring to common school lands shall be deemed to apply to the lands aforesaid.

§ 2. All the business of such townships, so far as relates to common school lands, shall be transacted in that county which contains all or a greater portion of said lands.

§ 3. It shall be lawful for the trustees of schools in townships in which section number sixteen (16), or any other lands granted in lieu thereof, remain unsold or which has title to any other school lands whatsoever, to rent or lease the same for an annual rent to be paid in money to the treasurer, by a written contract made by the president and clerk, under the direction of the board, with lessee or lessees, which contract shall be filed with the records of the board, and a copy of the same transmitted to the county superintendent. In case of any default in the payment of the rent, the said board of trustees shall at once proceed to collect the same by distress, or otherwise, as may be provided by law for the collection of rents by landlords. No lease taken under the provisions of this act, shall be



for a longer period than five years, except where such lands are leased for the purpose of having permanent improvements made thereon, as may be the case in cities and villages: *Provided*, that the provisions of this section shall not apply to cities having a population of over one hundred thousand (100,000) inhabitants.

§ 4. The trustees of schools of any township concerned, are hereby authorized and empowered in their corporate capacity, to sell and convey to any railroad company which may construct a railroad across any of the public school lands of such township, the right of way and necessary depot grounds. All moneys received by such trustees for any right of way or depot grounds so sold, shall be turned over by such trustees to the township treasurer of the township for the benefit of the township school fund.

§ 5. If any person shall, without being duly authorized, cut, fell, box, bore, destroy or carry away any tree, sapling or log standing or being upon any school lands, such person shall forfeit and pay, for every tree, sapling or log so felled, boxed, bored, destroyed or carried away, the sum of eight dollars (\$8), which penalty shall be recovered with costs of suit, by an action of debt or assumpsit, before any justice of the peace having jurisdiction of the amount claimed, or in the county or circuit court, either in the corporate name of the board of trustees of the township to which the land belongs, or by *qui tam* action in the name of any person who will first sue for the same, one-half of the judgment for the use of the person suing and the other half for the use of the township aforesaid. When two or more persons shall be concerned in the same trespass, they shall be jointly and severally liable for the penalty herein imposed.

§ 6. Every trespasser upon common school lands, shall be liable to indictment, and upon conviction shall be fined in three times the amount of the injury occasioned by said trespass, and shall stand committed as in other cases of misdemeanor.

§ 7. All penalties and fines collected under the provisions of the foregoing sections shall be paid to the township treasurer, and be added to the principal of the township fund.

§ 8. When the inhabitants of any township or fractional township shall desire the sale of the common school lands of the township or fractional township, they shall present a petition to the county superintendent of the county in which the school lands of the township, or the greater part thereof, lie, for the sale thereof; which petition shall be signed by at least two-thirds of the legal voters of the township, or fractional township. The signing of the petition must be done in the presence of two adult citizens of the township, after the true meaning and purpose thereof have been explained; and, when signed, an affidavit must be affixed thereto by the two citizens witnessing the signing, in the manner aforesaid, which affidavit shall state the number of inhabitants in the township, or fractional township, of and over twenty-one years of age, and said petition, so proved, shall be delivered to the county superintendent for his action thereon: *Provided*, no whole section shall be sold in any township containing less than two hundred inhabitants; and common school lands in frac-



tional townships may be sold when the number of inhabitants and the number of acres are in the ratio of two hundred to six hundred and forty, but not before.

§ 9. Any fractional township not having the requisite number of inhabitants to petition for the sale of the school lands therein, as provided in section 8 of this article of this act, which has not heretofore been united with any other township, for school purposes, and which does not contain a sufficient number of inhabitants to maintain a free school, is hereby attached to the adjacent congressional township having the longest territorial line bordering on such fractional township, for school purposes, and all the provisions of this act shall apply to such united townships, the same as though they were one and the same township.

§ 10. When the petition and affidavits are delivered to the county superintendent, as aforesaid, he shall notify the trustees of said township thereof, and said trustees shall immediately proceed to divide the land into tracts or lots, of such form and quantity as will produce the largest amount of money.

§ 11. After making the division required by the foregoing section, said trustees shall cause a correct plat of the same to be made, representing all divisions, with each lot numbered and defined, so that its boundaries may be forever ascertained.

§ 12. In subdividing said common school lands for sale, no lot shall contain more than 80 acres, and the division may be made into town or village lots, with roads, streets or alleys between them and through the same; and all such divisions, with all similar divisions hereafter made, are hereby declared legal, and all such roads, streets and alleys, public highways.

§ 13. After such division into lots has been made and platted, the trustees of schools shall fix a value on each lot, having regard to the terms of sale, certify to the correctness of the plat, stating the value of each lot per acre, or per lot if less than one acre, and referring to and describing the lot in the certificate, so as fully and clearly to distinguish, and identify each lot; which plats and certificate shall be delivered to the county superintendent, and shall govern him in advertising and selling such lands.

§ 14. Upon the reception by the county superintendent of the plat and certificate of valuation from the trustees, he shall proceed to advertise the said land for sale in lots, as divided and laid off by said trustees, by posting notices thereof in at least six (6) public places in the county, forty days before the day of sale, describing the land and stating the time, place and terms of sale; and if any newspaper is published in said county, said advertisement shall be printed therein for four weeks before the day of sale; if no newspaper is published in said county, then such land may be sold under the notice aforesaid, which notice may be in the following form, viz.:

## SALE OF SCHOOL LAND.

Public notice is hereby given that on the ..... day of ....., A. D. 18....., between the hours of 10 o'clock a. m. and 6 o'clock p. m., the undersigned superintendent of schools of ..... county, will sell at public vendue to the highest bidder, at the ..... door of the court house in ....., (or on the premises) the following described real estate, the same being a part of the school lands of township No. ...., range No. ...., as divided and platted by the trustees of schools of said township, to-wit: (Here insert full and complete description of said premises.) Said lands will be sold for cash in hand, with the privilege to any purchaser of borrowing from the undersigned, the whole or any part of the amount of his bid, for not less than one nor more than five years, upon his paying interest and giving security, as required in case of a loan obtained from the township school fund.

Dated this ..... day of ....., A. D. ....

.....  
*County Superintendent,*  
 ..... *County.*

§ 15. The place of selling common school lands shall be at the court house of the county in which the lands are situated: or the trustees of schools may direct the sale to be made on the premises.

§ 16. The terms of selling common school lands shall be to the highest bidder for cash, with the privilege to each purchaser of borrowing from the county superintendent the amount or any part of the amount of his bid, for any period of not less than one year nor more than five years, upon his paying interest and giving security, as in case of money loaned by a township treasurer as provided in this act.

§ 17. Upon the day appointed for such sale, the county superintendent shall proceed to make sales as follows, viz.: He shall begin at the lowest numbered lot and proceed regularly to the highest numbered, till all are sold or offered. No lot shall be sold for less than its valuation by the trustees. Said sale shall be made between the hours of 10 o'clock a. m. and 6 o'clock p. m., and may continue from day to day. The lots shall be cried separately, and each lot cried long enough to enable any person present to bid who desires to bid.

§ 18. Upon closing the sales each day, the purchasers shall each pay, or secure the payment of the purchase money, according to the terms of sale; or in case of his failure to do so by 10 o'clock the succeeding day, the lot purchased shall again be offered at public sale, on the same terms as before, and if the valuation or more shall be bid, shall be stricken off: but if the valuation be not bid, the lot shall be set down as not sold. If the sale is or is not made, the former purchaser shall be required to pay the difference between his bid and the valuation of the lot, and in case of his failing to make such payment, the county superintendent may forthwith institute an action of debt or assumpsit in his name, as superintendent, for the use of the inhabitants of the township where the land lies, for the required sum; and upon making proof, shall be entitled to judgment, with costs of suit; which, when collected, shall be added to the principal

of the township fund. If the sum claimed does not exceed two hundred dollars, the suit may be commenced before a justice of the peace; if the sum demanded exceeds two hundred dollars, then suit may be brought in the circuit court of any county wherein the party may be found.

§ 19. All lands not sold at public sale, as herein provided for, shall be subject to sale at any time thereafter, at the valuation; and the county superintendents are authorized and required, when in their power, to sell all such lands at private sale, upon the terms at which they were offered at public sale.

§ 20. In all cases where common school lands have been heretofore valued, and have remained unsold for two years, after having been offered for sale, or shall hereafter remain unsold for that length of time, after being valued and offered for sale, in conformity to this act, the trustees of schools where such lands are situated may vacate the valuation thereof by an order to be entered in book A of the county superintendent, and cause a new valuation to be made, if, in their opinion, the interests of the township will be promoted thereby. They shall make said second valuation in the same manner as the first was made, and shall deliver to the county superintendent a plat of such second valuation, with the order of vacation, to be entered, as aforesaid; whereupon, said county superintendent shall proceed to sell said lands in all respects, as if no former valuation had been made: *Provided*, that the second valuation may be made by the trustees of schools, without petition, as provided in this act for the first valuation.

§ 21. Upon the completion of every sale by the purchaser, the county superintendent shall enter the same in book B. and shall deliver to the purchaser a certificate of purchase, stating therein the name and residence of the purchaser, describing the land and the price paid therefor, which certificate shall be evidence of the facts therein stated.

§ 22. At the first regular term of the county board in each year, the county superintendent shall present to the county board of his county a statement showing the sales of school lands made subsequent to the first regular term of the previous year, which shall be a true copy of the sale book (book B).

§ 23. The county superintendent shall, also, at the time aforesaid, transmit to the Auditor of Public Accounts, a full and exact transcript from book B of all the sales made subsequent to each report. The statement required to be presented to the county board shall be preserved and copied by the clerk of said board into a well-bound book kept for that purpose; and the list transmitted to the Auditor shall be filed, copied and preserved in like manner.

§ 24. Every purchaser of common school lands shall be entitled to a patent from the State, conveying and assuring the title. Patents shall be made out by the Auditor, from returns made to him by the county superintendent. They shall contain a description of the land granted, and shall be in the name of and signed by the

Governor, countersigned by the Auditor, with the great seal of the State affixed thereto by the Secretary of State, and shall operate to vest in the purchaser a perfect title in fee simple. When patents are executed as herein required, the Auditor shall note on the list of sales the date of each patent, in such manner as to perpetuate the evidence of its date and delivery, and thereupon transmit the same to the county superintendent of the proper county, to be by him delivered to the patentee, his heirs or assigns, upon the return of the original certificate of purchase, which certificate, when returned, shall be filed and preserved by the county superintendent; and all such patents, heretofore or hereafter so issued, by the State for school lands, or duly certified copies thereof from any record legally made, shall, after the lapse of ten years from the date of such patent, and such sale having been acquiesced in for ten years by the inhabitants of the township in which the land so conveyed may be situated, be conclusive evidence as to the legality of the sale, and that the title to such land was, at the date of the patent, legally vested in the patentee.

§ 25. Purchasers of common school lands, and their heirs and assigns, may obtain duplicate copies of their certificates of purchase and patents, upon filing affidavit with the county superintendent in respect to certificates, and with the Auditor in respect to patents, proving the loss or destruction of the originals; and such copies shall have the force and effect of originals.

§ 26. When any real estate shall have been taken for any debts due to any school fund, the title to which real estate has become vested in any county superintendent for the use of the inhabitants of one or more townships or of the county, the county superintendent may lease or sell such real estate for the benefit of such township or townships, or of the county, as provided in section 37 of Article III of this act, regulating the leasing and sales of lands by school trustees: *Provided*, that in case the real estate be held for the benefit of any township or townships, it shall not be sold except upon the written request of the school trustees of said township or townships. The said county superintendent is hereby authorized to execute conveyances of such real estate to the purchasers when so sold.

§ 27. The trustees of schools in any township are hereby authorized and empowered, in their corporate capacity, to lay out and dedicate to the public use, for street and highway purposes, so much of the common school lands, which is unimproved or unoccupied with buildings, as may be necessary to open or extend any street or highway which may be ordered opened or extended by the municipal authorities, which are by law empowered to open or extend streets or highways in the territory where said school lands are located: *Provided*, that said trustees of schools shall be of the opinion that the benefits to accrue from the opening or extending of said street or highway, to the remainder of said common school lands, will compensate for the strip so dedicated: *And, provided further*, that it shall not be lawful for any street or other railroad to lay down railroad tracks on any strip of the common school lands so dedicated, or



use the same or any part of the common school lands for railroad or street railroad purposes, except upon the purchase or lease of the same from the proper authorities, or upon the payment to the school fund of said township of the value of such use or land taken, the same as if no street or highway had been laid out thereon, to be determined by proceedings under an act entitled "An act to provide for the exercise of the right of eminent domain," approved April 10, 1872, and all amendments thereto: *And, provided further*, that this section shall not in any way affect existing leases or contracts for the lease or purchase of common school lands.

## ARTICLE XIV.

### FINES AND FORFEITURES.

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| <p>§ 1. Paid to county superintendent.</p> <p>§ 2. Duties of state's attorneys.</p> <p>§ 3. Duties of justices of the peace.</p> <p>§ 4. Report of fines; affidavit; penalty for failure to report.</p> | <p>§ 5. Penalty for failure to pay over fines collected.</p> <p>§ 6. Power of the county court to examine records of delinquent officers; penalty for failure to furnish papers, etc.</p> |
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SECTION 1. All fines, penalties and forfeitures imposed or incurred in any of the courts of record, or before any justice of the peace of the State, except fines, forfeitures and penalties incurred or imposed in incorporated towns or cities for the violation of the by-laws or ordinances thereof, shall, when collected, be paid to the county superintendent of schools of the county wherein such fines, penalties or forfeitures have been imposed or incurred, and the said county superintendent of schools shall give his receipt therefor to the person from whom such fine, forfeiture or penalty was received. The said county superintendent shall annually distribute such fines, penalties or forfeitures in the same manner as the common school funds of the State are distributed.

§ 2. It shall be the duty of the state's attorneys of the several counties to enforce the collection of all fines, forfeitures and penalties imposed or incurred in the courts of record of their respective counties, and to pay the same over to the county superintendent of the county wherein the same have been imposed or incurred, retaining therefrom the fees and commissions allowed them by law.

§ 3. It shall be the duty of the justices of the peace to enforce the collection of all fines imposed by them by any lawful means; and when collected the same shall be paid by the justice collecting the same to the county superintendent of the county in which the same was imposed.

§ 4. Clerks of courts of record, state's attorneys and all justices of the peace shall report, under oath, to the county court of their respective counties, by the first of March annually, the amount of such fines, penalties and forfeitures imposed or incurred in their respective courts, and the amount of such fines, forfeitures and penalties collected by them, giving each article separately, and if such



officer has collected no such fines, penalties or forfeitures, he shall make affidavit to such fact, and file the same with the county superintendent. The judges of the county court shall inspect the said reports, and may hear evidence thereon, and, if found correct and truthful, shall enter an order approving such report, and that any moneys in the hands of such officers so reporting shall be paid over to the superintendent of schools. If the court shall not approve of such report, he may order a new one to be made, and upon failure to comply with the order of the court, or to make a satisfactory report, the court may state an account and enter an order to pay over as above provided. The court, for all purposes for carrying out the provisions of this section, shall have power to examine books and papers as provided hereinafter in section 6 of this article, and shall have power to issue subpoenas for both books and persons: *Provided*, that no report shall be approved until the court shall have given the superintendent five (5) days' notice of the same, and he shall be allowed to inspect said report, and he shall be heard by the court upon the same if he desire; and the officers charged with the collection thereof (the said clerks, state's attorneys and justices of the peace), for a failure to make such a report, shall be liable to a fine of twenty-five dollars (\$25) for each offense, said fine to be recovered in a civil action, before any court, at the suit of the county superintendent of schools of the proper county.

§ 5. For a failure to pay any fine, forfeiture or penalty, on demand, to the person who is by law authorized to receive the same, the officer or person having collected the same, or having the same in his possession or control, shall forfeit and pay double the amount of such fine, penalty or forfeiture as aforesaid, to be recovered before any court having jurisdiction thereof, in a *qui tam* action, one-half to be paid the informer, and one-half to the school fund of the proper county.

§ 6. In case that any clerk of a court of record, state's attorney or justice of the peace shall fail to make the report provided for in section 4 of this article, the county court shall have power, and it is hereby made the duty of the judge of said court, to examine all records pertaining to the office of such delinquent officer and enforce the payment of whatever sum may be found due the school fund from such delinquent officer. For the purpose of making such examination, the said county court shall have the right to call for any paper or papers, docket, fee-book or other record belonging to the office of such delinquent officer; and in case such delinquent officer fails or refuses to furnish such paper, docket, fee-book or other record for the inspection or use of such county, he shall forfeit and pay to the school fund the sum of one hundred dollars (\$100), to be recovered in an action of debt or assumpsit, before any court of this State having jurisdiction of the actions of debt and assumpsit, and such penalty, when collected, shall be paid into the school fund of the proper county.

## ARTICLE XV.

## LIABILITY OF SCHOOL OFFICERS.

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| <p>§ 1. Of trustees for failure to take action regarding the insufficiency of township securities.</p> <p>§ 2. Of judges of election for failure to deliver poll-book and certificates.</p> <p>§ 3. Of boards of directors for failure to deliver schedules.</p> <p>§ 4. Of township treasurer for failure to perform his duties.</p> <p>§ 5. Of the bondsmen or legal representatives of township treasurer to turn over bonds, etc., to successor.</p> <p>§ 6. Liable to indictment and imprisonment for conversion of funds.</p> <p>§ 7. Trustees liable for securities of township treasurer; exception.</p> | <p>§ 8. Real estate of school officers holden.</p> <p>§ 9. Failure of trustees to make returns of children.</p> <p>§ 10. Failure of school officers to furnish statistics.</p> <p>§ 11. School officers responsible for loss of funds.</p> <p>§ 12. Forbidden to pervert funds to sectarian purposes.</p> <p>§ 13. Interest in sale of school books, etc., forbidden.</p> <p>§ 14. Penalty for excluding colored children from school.</p> |
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SECTION 1. Whenever the county superintendent of schools of any county shall notify the board of trustees of any township, in writing, that the notes, bonds, mortgages, or other evidences of indebtedness which have been taken officially by the township treasurer, are not in proper form, or that the securities which the said township treasurer has taken are insufficient, it shall be the duty of the said board of trustees at once to take such action as may be necessary to save and protect the property or funds of the districts and the township; and for a failure or refusal to take such action within twenty (20) days after such notice, the members of the board, each in his individual capacity, shall be liable to a fine of not less than twenty-five (25) nor more than one hundred dollars (\$100), to be recovered before any justice of the peace, on information, in the name of the People of the State of Illinois (provided such insufficiency is proven), and, when collected, the said fine shall be paid to the county superintendent of the proper county, for the use of schools. And the payment of this fine shall not relieve the board of trustees from any civil liability they may have incurred from such neglect of duty.

§ 2. If the judges of any school election called for any legal purpose shall fail or neglect to deliver a copy of the poll-book of any such election, with a certificate thereon showing the result of such election, to the officer provided by law to whom such return shall be made, within ten days after such election shall have been held, the said judges of election shall be severally liable to a penalty of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), to be recovered in the name of the People of the State of Illinois, by an action of debt before any justice of the peace of the county; which penalty, when collected, shall be paid into the school fund of the township in which such election was held.

§ 3. It shall be the duty of the board of directors of every school district in this State, to deliver to the township treasurer all teachers' schedules made and certified as required by law, and covering all time taught during the school year ending June 30th. on or before the 7th day of July. annually; and the directors shall be personally liable to the district for any and all loss sustained by it through their failure to examine and deliver to the said township treasurer all such schedules within the said time.

§ 4. For any failure or refusal to perform all the duties required of the township treasurer by law, he shall be liable to the board of trustees, upon his official bond, for all damages sustained by reason of such failure or refusal, to be recovered by action of debt by said board, in their corporate name, for the use of the proper township, before any court having jurisdiction of the amount of damages claimed; but if the said treasurer, in any such failure or refusal, acted under and in conformity to a requisition or order of said board, or a majority of them, entered upon their journal and subscribed by their president and clerk, then, in that case, the members of said board aforesaid, or those of them voting for such requisition or order aforesaid, and not the said township treasurer, shall be liable, jointly and severally, to the inhabitants of the township for all such damages, to be recovered by an action of assumpsit in a suit brought in the official name of the county superintendent of schools, for the use of the proper township: *Provided*, said treasurer shall be liable for any loss not collected by reason of the insolvency of said trustees.

§ 5. When a township treasurer shall resign or be removed, and at the expiration of his term of office, he shall pay over to his successor in office, when appointed, all money on hand, and deliver over all books, notes, bonds, mortgages and all other securities for money, and all papers and documents of every description in which the corporation has any interest whatever; and in case of the death of the township treasurer, his securities and legal representatives shall be bound to comply with the requisitions of this section so far as the said securities and legal representatives may have the power so to do. And for any failure to comply with the requisitions of this section, the persons neglecting or refusing shall be liable to a penalty of not less than ten (10) nor more than one hundred dollars (\$100), at the discretion of the court before which judgment may be obtained, to be recovered in an action of debt before any justice of the peace, for the benefit of the school fund of such township: *Provided*, that the obtaining or payment of such judgment shall in no wise discharge or diminish the obligation of the persons signing the official bond of such township treasurer.

§ 6. If any county superintendent, trustee of schools, township treasurer, director or any other person entrusted with the care, control, management or disposition of any school, college, seminary or township fund for the use of any county, township, district or school, shall convert such funds, or any part thereof, to his own use, he shall be liable to indictment: and, upon conviction thereof, shall be fined in any sum not less than double the amount of money converted to

his own use, and imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court.

§ 7. Trustees of schools shall be liable, jointly and severally, for the sufficiency of securities taken from township treasurers; and in case of judgment against any treasurer and his securities for or on account of any default of such treasurer on which the money shall not be made for want of sufficient property whereon to levy execution, action on the case may be maintained against said trustees, jointly and severally, and the amount not collected on said judgment shall be recovered with costs of suit from such trustees: *Provided*, that if said trustees can show, satisfactorily, that the security taken from the treasurer, as aforesaid, was, at the time of said taking, good and sufficient, they shall not be liable as aforesaid.

§ 8. The real estate of county superintendents, of township treasurers, and all other school officers, and of the securities of each of them shall be bound for the satisfaction and payment of all claims and demands against said superintendents and treasurers, and other school officers as such from the date of issuing process against them. in actions or suits brought to recover such claims or demands until satisfaction thereof be obtained; and no sale or alienation of real estate, by any superintendent, treasurer or other officer or security aforesaid, shall defeat the lien created by this section; but all and singular such real estate held, owned or claimed, as aforesaid, shall be liable to be sold in satisfaction of any judgment which may be obtained in such actions or suits.

§ 9. Trustees of schools, or either of them, failing or refusing to make returns of children in their township according to the provisions of this act, or if either of them shall knowingly make a false return, the party so offending shall be liable to a penalty of not less than ten dollars (\$10) nor more than one hundred dollars (\$100), to be recovered by an action of assumpsit, before any justice of the peace of the county; which penalty, when collected, shall be added to the township school fund of the township in which said trustees reside.

§ 10. If any county superintendent, director or trustee, or either of them, or other officer whose duty it is, shall negligently or wilfully fail or refuse to make, furnish or communicate the statistics and information, or shall fail to discharge the duties enjoined upon them or either of them, at the time and in the manner required by the provisions of this act, such delinquent or party offending shall be liable to a fine of not less than twenty-five dollars (\$25), to be recovered before any justice of the peace at the suit of any person, on information in the name of the People of the State of Illinois, and, when collected, the said fine shall be paid to the county superintendent of the proper county for the use of the school fund.

§ 11. County superintendents, trustees of schools, directors and township treasurers, or either of them, or any other officer having charge of school funds or property, shall be pecuniarily responsible for all losses sustained by any county, township or school fund, by reason of any failure on his or their part to perform the duties re-



quired of him or them by the provisions of this act; or by any rule or regulation authorized to be made by the provisions of this act; and each and every one of the officers aforesaid shall be liable for any such loss sustained as aforesaid, and the amount of such loss may be recovered in a civil action brought in any court having jurisdiction thereof, at the suit of the State of Illinois, for the use of the county, township or fund injured; the amount of the judgment obtained in such suit shall, when collected, be paid to the proper officer for the benefit of the said county, township or fund injured.

§ 12. No county, city, town, township, school district or other public corporation shall ever make any appropriation, or pay from any school fund whatever, anything in aid of any church or sectarian purpose, or help support or sustain any school, academy, seminary, college, university or other literary or scientific institution controlled by any church or sectarian denomination whatever; nor shall any grant or donation of money, or other personal property, ever be made by any such corporation to any church or for any sectarian purpose; and any officer or other person having under his charge or direction school funds or property, who shall pervert the same in the manner forbidden in this section, shall be liable to indictment, and upon conviction thereof, shall be fined in a sum not less than double the value of the property so perverted, and imprisoned in the county jail not less than one (1) nor more than twelve (12) months, at the discretion of the court.

§ 13. No teacher, state, county, township or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture used, or to be used, in any school in this State with which such officer or teacher may be connected; and for offending against the provisions of this section such teacher, state, county, township or district school officer shall be liable to indictment, and upon conviction shall be fined in a sum not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), and may be imprisoned in the county jail not less than one (1) month nor more than twelve (12) months, at the discretion of the court.

§ 14. Any school officer or officers, or any other person, who shall exclude or aid in the exclusion from the public schools, of any child who is entitled to the benefits of such school, on account of such child's color, shall be fined, upon conviction, in any sum not less than five dollars (\$5) nor more than one hundred dollars (\$100) each, for every such offense.



## ARTICLE XVI.

## MISCELLANEOUS.

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|---|---|
| 1. Cost of suits not to be charged to school fund.          | § 8. Educational institutions to report to State Superintendent.                            |
| § 2. Eligibility of women to school offices.                | § 9. Judgments and executions against boards of trustees and directors.                     |
| § 3. Bonds of women holding school offices.                 | § 10. No compensation allowed to trustees, directors, etc.; exemption from road labor, etc. |
| § 4. Colored children may not be excluded from school.      | § 11. School officers to hold until their successors are qualified.                         |
| § 5. Penalty for preventing children from attending school. | § 12. Former acts repealed.   |
| § 6. Payment of funds to township treasurer.                | § 13. Emergency clause.   |
| § 7. Reports and rate of taxation under special charters.   |   |

SECTION 1. No justice of the peace, constable, clerk of any court, sheriff or coroner shall charge any costs in any suit where any school officer, school corporation or any agent of any school fund, suing for the recovery of the same, or any interest due thereon, is plaintiff and shall be unsuccessful in such suit; nor where the costs can not be recovered from the defendant by reason of the insolvency of such defendant.

§ 2. Any woman, married or single, of the age of twenty-one years and upwards, and possessing the qualifications prescribed for the office, shall be eligible to any office under the general or special school laws of this State.

§ 3. Any woman elected or appointed to any office under the provisions of this act, before she enters upon the discharge of the duties of the office, shall qualify and give the bond required by law (if a bond is required), and such bond shall be binding upon her and her securities.

§ 4. All boards of school directors, boards of education or school officers, whose duty it now is, or may be hereafter to provide, in their respective jurisdictions, schools for the education of all children between the ages of six and twenty-one years, are prohibited from the excluding, directly or indirectly, any such child from such school on account of the color of such child.

§ 5. Any person who shall, by threats, menace or intimidation, prevent any child entitled to attend a public school in this State from attending such school shall, upon conviction, be fined in any sum not exceeding twenty-five dollars (\$25.00).

§ 6. It shall be the duty of the county treasurers, county superintendents of schools, township collectors, and all other persons paying money into the hands of township school treasurers for school purposes, on or before the 30th day of September of each year, to notify in writing the presidents of boards of school trustees and the clerks of the boards of school directors of the amount paid into the township treasurer's hands and the date of payment.

§ 7. This act shall not be so construed as to repeal or change, in any respect, any special acts in relation to schools in cities having less than 100,000 inhabitants, or incorporated towns, townships or districts (except that in every such city, town, township or district the limit of taxation for educational and building purposes shall be the same as that fixed in section one, article eight, of this act); and except that it shall be the duty of the several boards of education or other officers of any city or incorporated town, township or district, having in charge schools under the provision of any of said special acts, or of any ordinance of any city or incorporated town, on or before the 15th day of July preceding each session of the General Assembly of this State, or annually, if required so to do by the State Superintendent of Public Instruction, to make out and render a statement of all such statistics and other information in regard to schools and the enumeration of persons, as is required to be communicated by township boards of trustees or directors, under the provisions of this act, or so much thereof as may be applicable to said city or incorporated town, to the county superintendent of the county where such city or incorporated town is situated, or of the county in which the larger part of such city or incorporated town is situated; nor shall it be lawful for the county superintendent, or any other officer or person to pay over any portion of the common school fund to any local treasurer, school agent, clerk, board of education, or other officer or person of any township, city or incorporated town, unless a report of the number of persons and other statistics relative to schools, and a statement of such other information as is required by the board of trustees or of directors, as aforesaid, and of other school officers and teachers, under the provisions of this act, shall have been filed at the time or times aforesaid, specified in this section, with the superintendent of the proper county, as aforesaid. [As amended by act approved and in force March 31, 1891.

§ 8. It shall be the duty of the president, principal, or other proper officer of every organized university, college, seminary, academy, or other literary institution, heretofore incorporated, or hereafter to be incorporated in this State, to make out, or cause to be made out and forwarded to the office of the State Superintendent of Public Instruction, on or before the first day of August in each year, a report setting forth the amount and estimated value of real estate owned by the corporation, the amount of other funds and endowments, and the yearly income from all sources, the number of instructors, the number of students in the different classes, the studies pursued and the books used, the course of instruction, the terms of tuition, and such other matters as may be specially requested by said Superintendent, or as may be deemed proper by the president or principal of such institution to enable the Superintendent of Public Instruction to lay before the Legislature a fair and full exhibit of the affairs and conditions of said institutions, and of the educational resources of the State.

§ 9. If judgment shall be obtained against any township board of trustees or school directors, the party entitled to the benefit of

such judgment may have execution therefor, as follows, to-wit: It shall be lawful for the court in which such judgment shall be obtained, or to which such judgment may be removed by transcript or appeal from a justice of the peace, or other court, to issue thence a writ commanding the directors, trustees and treasurer of such township, to cause the amount thereof, with interest and costs, to be paid to the party entitled to the benefit of such judgment; out of any moneys unappropriated of said township or district, or if there be no such moneys, out of the first moneys applicable to the payment of the kind of services or indebtedness for which such judgment shall be obtained, which shall be received for the use of such township or district, and to enforce obedience to such writ by attachment, or by mandamus, requiring such board to levy a tax for the payment of such judgment; and all legal processes, as well as writs to enforce payment, shall be served either on the president or clerk of the board.

§ 10. Trustees of schools, school directors, members of boards of education, or other school officers performing like duties, shall receive no pecuniary compensation, but they shall be exempt from road labor and military duty during their term of office.

§ 11. All school officers elected in pursuance of any general law now in force shall hold their respective offices until their successors are elected and qualified under the provisions of this act.

§ 12. "An act to establish and maintain a system of free schools," approved April 1, 1872; "An act to protect colored children in their rights to attend public schools," approved March 24, 1874; "An act to amend section fifty (50) of an act entitled 'An act to establish and maintain a system of free schools, approved April 1, 1872,'" approved March 30, 1874; "An act to amend sections 24 and 33 of an act entitled 'An act to establish and maintain a system of free schools,' approved April 1, 1872," approved May 23, 1877; "An act to amend section 47 of an act to establish and maintain a system of free schools, approved April 1, 1872," approved May 11, 1877; "An act regulating the renting and sale of school lands," approved May 25, 1877; "An act to amend section 33 of an act entitled 'An act to amend sections 24 and 33 of an act entitled 'An act to establish and maintain a system of free schools,'" approved April 1, 1872, approved May 23, 1877, in force July 1, 1877," approved May 31, 1879; "An act to amend an act entitled 'An act to establish and maintain a system of free schools,' approved April 1, 1872, and section forty-seven (47) of said act as amended by an act approved May 11, 1877," approved June 3, 1879; "An act to amend sections eleven (11), twenty-seven (27), thirty-three (33), thirty-four (34), forty-eight (48), fifty-three (53), fifty-four (54) and fifty-seven (57) of an act entitled 'An act to establish and maintain a system of free schools,' approved April 1, 1872, and in force July 1, 1872, and amended by an act approved June 3, 1879, and in force July 1, 1879," approved May 31, 1881; "An act to amend section fifty-one (51) of an act entitled 'An act to establish and maintain a system of free schools,' approved April 1, 1872, in force July 1, 1872, and amended by an act approved June 3, 1879, in force July

1, 1879," approved June 23, 1883; "An act regulating the loaning of school funds," approved and in force March 20, 1883; "An act to amend sections thirteen (13), twenty (20) and seventy-one (71) of an act entitled 'An act to establish and maintain a system of free schools,' approved April 1, 1872, and in force July 1, 1872, and amended by an act approved June 3, 1879," approved June 26, 1885; "An act to amend sections fifty-seven (57) and fifty-eight (58) of an act entitled 'An act to establish and maintain a system of free schools,' approved April 1, 1872, and amended by an act approved April 1, 1872, and amended by an act approved June 3, 1879, and in force July 1, 1879, and further amended by an act approved May 31, 1881, and in force July 1, 1881," approved June 30, 1885; "An act to amend section one (1) of an act entitled 'An act regulating the renting and sale of school lands,' approved May 25, 1877, in force July 1, 1877," approved June 29, 1885; "An act to amend section thirty-three (33) of an act entitled 'An act to establish and maintain a system of free schools,' approved April 1, 1872, in force July 1, 1872, as amended by an act approved May 23, 1877, in force July 1, 1877, as amended by act approved June 3, 1879, in force July 1, 1879, as amended by act approved May 31, 1881, in force July 1, 1881," approved June 4, 1877; "An act to provide for the election of presidents of boards of education in school districts," approved June 17, 1887; "An act to empower trustees of schools to lay out and dedicate common school lands for street and highway purposes," approved June 3, 1887; "An act to regulate the attendance of teachers upon teachers' institutes," approved June 14, 1887; "An act to empower township trustees to sell and convey right of way and depot grounds for the use of railroads crossing school lands," approved April 13, 1875; "An act to regulate the payment of moneys into the hands of township school treasurers," approved May 30, 1881; and all other acts and parts of acts inconsistent with this act, and all general school laws in this State, are hereby repealed.

§ 13. WHEREAS, An emergency exists, requiring this act to take immediate effect, therefore be it enacted that this act shall take effect from and after its passage.

APPROVED May 21, 1889.



## ADDITIONAL FACTS PERTAINING TO THE PUBLIC SCHOOLS AND TO SCHOOL OFFICERS.

### MEMBERS OF THE BOARD OF EDUCATION APPOINTED.

AN ACT to provide for the appointment of School Directors and members of the Board of Education, in certain cases, approved May 29, 1879, in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cases whereby [where, by] the provisions of any general or special law of this State heretofore passed, the members of the common council of any city having been made *ex officio* school directors, or members of the board of education in and for the school district of which the said city shall constitute the whole or a part, the said school directors or members of the board of education shall hereafter be appointed as hereinafter provided.

§ 2. It shall be the duty of the mayor of said city, at the first regular meeting of the city council after each annual municipal election, and after his installation into office, to nominate and place before the council, for confirmation as school directors or members of the board of education, as the case may be, one person from each ward of said city to serve for two years, and one person from the city at large to serve for one year, and if the persons so appointed shall be confirmed by a majority vote of the city council, to be entered of record, the persons so appointed, together with such persons theretofore appointed under the provisions of the act, to which this is an amendment, whose terms of service shall not expire within one year, shall constitute the board of education or school directors for such district: *Provided*, that the person appointed from the city at large for one year shall be president of said board of education or school directors, but shall have no vote in said board excepting in case of a tie: *And, provided further*, that the term of office of all persons heretofore appointed under the provisions of the act to which this is an amendment, whose term of office expires within one year, shall terminate at the first regular meeting of the city council after the annual meeting, and upon the appointment and confirmation of their successors. [As amended by act approved and in force May 28, 1889.

§ 3. The said persons shall, as soon as practicable after their appointment, organize by electing one of their number secretary, who shall hold his office for one year. All rights, powers and duties here-



§ 4. In all school districts to which this act shall apply the boards of education or school directors shall annually, before the first day of August, certify to the city council, under the hands and seals of the president and secretary of the board, the amount of money required to be raised by taxation for school purposes in said district for the ensuing year, and the said city council shall thereupon cause the said amount to be levied and collected in the same manner now provided by law for the levy and collection of taxes for school purposes in such district, but the amount to be so levied and collected shall not exceed the amount now allowed to be collected for school purposes by the general school laws of this State; and when such taxes have been collected and paid over to the treasurer of such city or school district, as may be provided by the terms of the act under which such district has been organized, such funds shall be paid out only on the order of the board of education or the school directors, signed by the president and secretary of such board.

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§ 1. Teaching effects of alcoholic drinks, etc.	§ 2. Instruction to be given in normal schools, institutes, etc.
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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That "An act relating to the study of physiology and hygiene in the public schools," approved June 1, 1889, in force July 1, 1889, be amended so as to read as follows:

All pupils in the above mentioned schools below the second year of the high schools and above the third year of school work, computing from the beginning of the lowest primary year, or in corresponding classes of ungraded schools, shall be taught and shall study this

subject every year from suitable text-books in the hands of all pupils, for not less than four lessons a week for ten or more weeks of each year, and must pass the same tests in this as in other studies.

In all schools above mentioned all pupils in the lowest three primary school years, or in corresponding classes in ungraded schools, shall each year be instructed in this subject orally for not less than three lessons a week for ten weeks in each year, by teachers using text-books adapted for such oral instruction as a guide and standard.

The local school authorities shall provide needed facilities and definite time and place for this branch in the regular course of study.

The text-books in the pupils' hands shall be graded to the capacities of the fourth year, intermediate, grammar and high school pupils, or to corresponding classes as found in ungraded schools.

For students below high school grade such text-books shall give at least one-fifth their space, and for students of high school grade shall give not less than twenty pages to the nature and effects of alcoholic drinks and other narcotics. The pages on this subject, in a separate chapter at the end of the book, shall not be counted in determining the minimum.

§ 2. In all normal schools, teachers' training classes and teachers' institutes, adequate time and attention shall be given to instruction in the best methods of teaching this branch, and no teacher shall be licensed who has not passed a satisfactory examination in this subject and the best methods of teaching it.

Any school officer or officers who shall neglect or fail to comply with the provisions of this act shall forfeit and pay for each offense the sum of not less than five dollars nor more than twenty-five dollars.

#### COMPENSATION OF JUDGES AND CLERKS OF ELECTION IN CERTAIN CASES.\*

AN ACT *to provide for the compensation of judges and clerks of election at elections at which trustees of schools and school directors are elected under the provisions of an act entitled "An act to regulate the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That at all elections held under the provisions of an act entitled "An act to regulate the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, and those amendatory and supplemental thereto, at which any trustee of school may have been heretofore or shall hereafter be elected, the expenses of such election shall be paid out of the treasury of such city, village and incorporated town.

\* This relates to the judges and clerks of elections appointed by the board of election commissioners, and not to the officers of school elections generally.

§ 2. That all elections held under the provisions of said acts, at which a school director is elected, the expenses of such election shall be paid out of any funds belonging or appertaining to the district for which such director is elected.

§ 3. The corporate authorities of cities, villages, incorporated towns and school districts are hereby authorized and empowered to levy taxes for the purpose of paying election expenses.

APPROVED June 3, 1889.

#### ELECTION OF BOARDS OF EDUCATION IN CERTAIN CASES.

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| <p>§ 1. Cities, towns and townships, in which schools are managed under special acts, may elect boards of education.</p> <p>§ 2. Question to be submitted to vote, upon petition of 50 voters.</p> | <p>§ 3. Repeals all acts in conflict.</p> <p>§ 4. Emergency.</p> |
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*AN ACT to give cities, incorporated towns, townships and districts, in which free schools are now managed under special acts, authority to elect boards of education having the same powers as boards of education now elected under the general free school laws of this State.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any city, incorporated town, township or district having a population of less than one thousand and not over twenty thousand inhabitants, in which free schools are now managed under any special act, may, by vote of its electors, determine to elect, instead of the directors or other governing or managing board, now provided for by such special act, a board of education which shall be elected at the time and in the manner and have the powers now conferred by law upon boards of education of districts not governed by any special act.

§ 2. Upon petition of fifty voters of such city, town, township or district, presented to the board having the control and management of schools in such city, town, township or district, it shall be the duty of such board, at the next ensuing election to be held in such city, town, township or district, to cause to be submitted to the voters thereof, giving not less than fifteen days' notice thereof, by posting not less than five notices in the most public places in such city, town, township or district, the question of "electing a board of education having the powers conferred upon such boards in districts organized under the free school laws," which notice may be in the following form, to-wit:

Public notice is hereby given that on the ..... day of ..... A. D. ...., an election will be held at ....., between the hours of ..... M. and ..... M. of said day, for the purpose of deciding the question of "electing a board of education having the powers conferred upon such boards in districts organized under the free school law."

If it shall appear, upon a canvass of the returns of such election, that a majority of the votes cast at such election are "for electing a

board of education having the powers conferred upon such boards in districts organized under the free school law," then at the time of the next regular election for boards of education under the free school law, there shall be elected a board of education for such district; and should there not be sufficient time to give the notice required by law for such election, then such election may be held on any Saturday thereafter, but all subsequent elections shall be held at the time provided by the free school law.

§ 3. All acts and parts of acts in conflict with this act are hereby repealed.

§ 4. WHEREAS, An emergency exists requiring this act to take immediate effect, therefore be it enacted that this act shall be in force from and after its passage.

APPROVED June 2, 1891.

## CHILD LABOR.

### EMPLOYMENT OF CHILDREN UNDER 13 YEARS OF AGE PROHIBITED.

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| <p>§ 1. Prohibits any person, firm or corporation from employing any child under 13 years of age, except as provided in this act.</p> <p>§ 2. Certificate of the school board authorizing employment.</p> <p>§ 3. No certificate shall be issued unless the child has attended school at least 8 weeks in the current school year.</p> | <p>§ 4. No child shall be employed for more than one day without such certificate.</p> <p>§ 5. Penalties for violation of this act.</p> |
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### AN ACT to prevent child labor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be unlawful for any person, firm or corporation to employ or hire any child under thirteen years of age except as hereinafter provided.

§ 2. In case it shall be made to appear to the board of education or of school directors that the labor or services of any child constitutes and is the means of support of an aged or infirm relative, and that such relative is, in whole or in part, dependent upon such child, then the board of education or school directors shall issue to such child a certificate authorizing the employment of such child; such certificate shall state the name, residence and age of such child, and a record thereof shall be kept by the board of education or school directors in a book kept for that purpose.

§ 3. No such certificate shall be granted to any child unless it shall be shown to the board of education or school directors [of the district] in which such child resides, that such child has attended some public or private day school for at least eight (8) weeks in the current school year.



§ 4. No person, firm or corporation shall employ any child under the age of thirteen years in any store, shop, factory or manufacturing establishment, by the day, or any period of time greater than one day, unless such certificate be furnished, nor shall he permit any such child to work in his employ without such certificate. He or they shall be authorized to retain the certificate of any such child employed by him, which shall be evidence admissible in any court.

§ 5. Any person, firm or corporation who violates the provisions of this act, and any father, guardian or person having control of any child under the age of thirteen years, who willingly permits or consents to the employment of such child without such certificate as is prescribed by section three of this act shall, for every offense, be fined in a sum not less than ten nor more than fifty dollars, for the use of public schools of the city or district in which such child resides. And every day of the employment of any such child shall be deemed a separate offense.

APPROVED June 17, 1891.

#### WOMEN MAY VOTE AT SCHOOL ELECTIONS.

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| 1. Confers the right of suffrage upon women 21 years of age and over who may vote at elections for school officers. Registration. | 2. Shall be permitted to vote for school officers at any election. Ballots, at general elections, to be put into separate boxes. |
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*AN ACT to entitle women to vote at any election held for the purpose of choosing any officer under the general or special school laws of this State.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Any woman of the age of twenty-one years and upwards, belonging to either of the classes mentioned in article 7 of the Constitution of the State of Illinois, who shall have resided in this State one year, in the county ninety days, and in the election district thirty days preceding any election held for the purpose of choosing any officer of schools under the general or special school laws of this State, shall be entitled to vote at such election in the school district of which she shall at the time have been for thirty days a resident: *Provided*, any woman so desirous of voting at any such election shall have been registered in the same manner as is provided for the registration of male voters.

§ 2. Whenever the election of public school officers shall occur at the same election at which other public officers are elected, the ballot offered by any woman entitled to vote under this act shall not contain the name of any person to be voted for at such election, except such officers of public schools, and such ballots shall all be deposited in a separate ballot-box, but canvassed with other ballots cast for school officers at such election.

APPROVED June 19, 1891.



## EXISTING INDEBTEDNESS.

- § 1. Authorizes the directors of any school district, created by special act, the limits of which are co-extensive with a city, to assume and pay any existing indebtedness.

*AN ACT to allow directors of schools under special laws to assume and provide for indebtedness heretofore created by the authorities of a city for school purposes.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any city in this State is by special law made a school district, or whenever any school district created by special law shall be co-terminous with any city, the directors of such district shall have the power, at the request of the city council, to assume and provide for, by borrowing and taxation, any indebtedness now existing, created by the authorities of the city for school purposes.

APPROVED June 22, 1891.

## RELATING TO SCHOOL ATTENDANCE AND THE APPOINTMENT OF TRUANT OFFICERS.

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| <p>§ 1. Requires that children between the ages of 7 and 14 years shall attend school at least 16 weeks in each year unless exempt.</p> <p>§ 2. Penalties for violation of this act.</p> | <p>§ 3. Appointment of truant officers. Hearing of charges for non-attendance.</p> <p>§ 4. Penalties for evasion of this act.</p> <p>§ 5. Recovery of fines and penalties.</p> |
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*AN ACT to promote attendance of children in schools and to prevent truancy.* [Approved June 11, 1897, in force July 1, 1897.]

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every person having control of any child between the ages of seven (7) and fourteen (14) years shall annually cause such child to attend for at least sixteen (16) weeks, twelve (12) weeks of such attendance shall be consecutive, some public or private school, which time, for pupils under ten (10) years of age, shall commence with the beginning of the first term of the school year of such school, and not later than December 1 of said school year for pupils above the age of ten (10) years, or as soon thereafter as due notice shall be served upon the person having such control of his duty under this act: *Provided*, that this act shall not apply in any case when the child has been or is being otherwise instructed, for a like period of time in each and every year, the elementary branches of education by a person or persons competent to give such instruction, or whose physical or mental condition renders his or her attendance impracticable or inexpedient, or who is excused for sufficient reason by any competent court of record.

§ 2. For every willful neglect of such duty as prescribed by section one (1) of this act the person so offending shall forfeit to the use of the public school of the city, town or district in which such child resides, a sum not less than one (1) dollar nor more than five (5) dollars and costs of suit, and shall stand committed until such fine and costs of suit are fully paid.

§ 3. The board of education in cities, towns, villages and school districts, and the board of school directors in school districts, shall appoint, at the time of appointment or election of teachers each year, one or more truant officers, whose duty it shall be to report all violations of this act to said board of education or board of directors and to enter complaint against and prosecute all persons who shall appear to be guilty of such violation. It shall also be the duty of said truant officer so appointed to arrest any child of school-going age that habitually haunts public places and has no lawful occupation, and also any truant child who absents himself or herself from school, and to place him or her in charge of the teacher having charge of any school which said child is by law entitled to attend, and which school shall be designated to said officer by the parent, guardian or person having control of said child. In case such parent, guardian or person shall designate a school without making or having made arrangements for the reception of said child in the school so designated, or in case he refuses or fails to designate any school, then such truant officer shall place such child in charge of the teacher of the public school. And it shall be the duty of said teacher to assign said child to the proper class and to instruct him or her in such studies as he or she is fitted to pursue. The truant officer so appointed shall be entitled to such compensation for services rendered under this act as shall be determined by the boards appointing them, and which compensation shall be paid out of the distributable school fund: *Provided*, that nothing herein contained shall prevent the parent, guardian or person having charge of such truant child, which has been placed in any school by the truant officer, to thereafter send said child to any other school which said child is by law entitled to attend.

§ 4. Any person having control of a child who, with intent to evade the provisions of this act, shall make a wilfully false statement concerning the age of such child, or the time such child has attended school, shall for such offense forfeit a sum of not less than three (3) dollars nor more than twenty (20) dollars for the use of the public schools of such city, town, village or district.

§ 5. Any fine and penalty mentioned in this act may be sued for and recovered before any court of record or justice of the peace of the proper county, in the name of the People of the State of Illinois for the use of the public schools of the city, town, village or district in which said child resides.

§ 6. An act entitled "An act concerning the education of children," approved June 19, 1893, in force July 1, 1893, is hereby repealed.

## SCHOOL INSPECTORS ELECTED UNDER CERTAIN SPECIAL ACTS.

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| § 1. Certain districts, containing over 20,000 and less than 100,000 inhabitants, having special charters, though divided for the election of school inspectors, are made undivided districts with added powers for the control and management of schools. | § 2. Moneys raised by taxation, how drawn and applied.<br>§ 3. Record of the proceedings of boards of inspectors.<br>§ 4. Emergency. |
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AN ACT to amend section one of "An act extending the powers of Boards of School Inspectors elected under special acts," approved June 19, 1893. Approved and in force June 11, 1897.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one of "An act extending the powers of Boards of School Inspectors elected under special acts," approved June 19, 1893, be amended so as to read as follows:

*Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities in this State having over 20,000 and less than 100,000 inhabitants, whose schools are now operated under special law, and where, by such law, territory outside of the city limits is added to the territory within the city for school purposes, and where such school district or districts is not coextensive with the township in which such city is situated, and where by such special law, Boards of School Inspectors, consisting of six members (three in each of two districts), are elected, the provisions of any such special law dividing such territory into two districts shall be held to be only for the purpose of electing members of the Board of School Inspectors, and for all other purposes the territory in two such districts shall be held to be included in one school organization, and the Board of School Inspectors, in addition to the other powers given by such special law, and the general school laws, shall have power to employ teachers, janitors and such other employés as such board shall deem necessary, and to fix the amount of their compensation, to buy or lease sites for school houses, with the necessary grounds; to build, erect, lease or purchase buildings suitable for school houses, to repair and improve school houses and to furnish them with the necessary supplies, fixtures, apparatus, libraries and fuel, and it shall be the duty of such board to take the entire supervision and control of the schools in such district or districts.

§ 2. [ACT OF 1897.] WHEREAS, An emergency exists, therefore this act shall take effect and be in force from and after its passage.

§ 2. [ORIGINAL ACT.] All money necessary for the purposes mentioned in section one of this act shall be raised as now provided by law, not to exceed the amount by law limited, and shall be held by the treasurer as a special fund for school purposes, subject to the order of school inspectors, upon warrants to be countersigned by the mayor and city clerk.

§ 3. The said board shall provide well-bound books at the expense of the school tax fund, in which shall be kept a faithful

record of all of its proceedings. The yeas and nays shall be taken and entered on the record of the proceedings of the board upon all questions involving the expenditure of money.

§ 4. WHEREAS, An emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED June 19, 1893.

#### SCHOOL INSPECTORS.

§ 1. Increasing number of school inspectors, elected under special acts, from six to seven members.

§ 2. Emergency.

*AN ACT increasing the number of school inspectors, elected under special acts, from six to seven members.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities in this State having over 10,000 and less than 100,000 inhabitants, whose schools are now operated under special law, and where, by such special law, boards of school inspectors consisting of six members (three in each of two districts) are elected, such board shall hereafter consist of seven members: and at the time other members of such boards are elected in April, 1895, and each three years thereafter, such additional member shall be elected for a term of three years, by all the voters entitled to vote at school elections of the entire school territory embraced in said two districts: and whenever such additional member is to be elected, he shall be designated and voted for as "member of board of school inspectors at large."

§ 2. WHEREAS, An emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED March 6, 1895.

#### ELECTION OF BOARDS OF EDUCATION IN CERTAIN CASES.

*AN ACT to provide for the election of boards of education in school districts organized under special acts of the Legislature of this State where such school districts are maintained under the general school laws of this State, and where there is no provision in such special acts for the election of boards of education. Approved June 10, 1897, in force July 1, 1897.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That hereafter, in all school districts in this State, organized under any special law of this State, and maintaining public schools under the general laws of this State, where there is no provision in said special acts creating such special school districts, for the election of boards of education as otherwise provided, there shall be elected in each of said special



school-districts, in lieu of the school directors as now provided, a board of education, to consist of seven members, to be elected at the time and in the manner as now provided by the general law for the election and qualification of boards of education in other cases: *Provided*, that at the first election of such board, which shall be held on the third Saturday in April, A. D. 1898, two of such members shall be elected to serve one year, two to serve two years, and two to serve three years, and a president of such board shall be elected, whose term of office shall be one year, and annually thereafter there shall be elected in said school district two members of such board, whose term of office shall be three years, and there shall also be elected annually thereafter a president of said board. Said board of education, when so elected and qualified, shall have the power of trustees of schools in school townships, as is now provided by law.

#### KINDERGARTEN SCHOOLS.

§ 1. School districts, upon authorization by a majority of votes cast at an election for that purpose, to establish kindergarten schools.

§ 2. Teachers' certificates.

*AN ACT authorizing school districts managed by boards of education and directors to establish and maintain kindergarten schools. Approved April 17, 1895, in force July 1, 1895.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in addition to other grades or departments now established and maintained in the public schools of the State, any school district managed by a board of education or a board of directors is hereby empowered, when authorized by a majority of all the votes cast at an election for that purpose, such election to be called and held in accordance with the provisions of Article IX of an act entitled "An act to establish and maintain a system of free schools," approved and in force May 21, 1889, to establish in connection with the public schools of such district, a kindergarten or kindergartens for the instruction of children between the ages of four and six years, to be paid for in the same manner as other grades and departments now established and maintained in the public schools of such district. No money accruing to such district from the school tax fund of the State shall be used to defray the tuition or other expenses of such kindergarten, but the same shall be defrayed from the local tax and the special school revenue of said district.

§ 2. All teachers in kindergartens established under this act shall hold a certificate issued as provided by law, certifying that the holder thereof has been examined upon kindergarten principles, and is competent to teach the same.

APPROVED April 17, 1895.



## TEACHERS' PENSION AND RETIREMENT FUND.

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| § 1. Teachers' and employes pension and retirement fund in certain cities—How created.<br>§ 2. Board of trustees—Administration and investment of fund.<br>§ 3. Retirement.<br>§ 4. Annuity. | § 5. Powers of trustee.<br>§ 6. Special fund—How created—How and when drawn.<br>§ 7. Custodian of fund.<br>§ 8. Removals—Contributions refunded to teachers. |
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*AN ACT to provide for the formation and disbursement of a public school teachers' and public school employes' pension and retirement fund in cities having a population exceeding one hundred thousand inhabitants.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the board of education in cities having a population exceeding one hundred thousand inhabitants, shall have power, and it shall be the duty of said board to create a public school teachers' and public school employes pension and retirement fund, and for that purpose set apart the following moneys, to-wit:

1. An amount not exceeding one per cent. per annum of the respective salaries paid to teachers and school employes elected by such board of education, which amount shall be deducted in equal installments from said salaries at the regular times for the payment of such salaries.

2. All moneys received from donations, legacies, gifts, bequests, or otherwise, on account of said fund.

3. All moneys which may be derived from any and all sources: *Provided, however,* that no taxes shall ever be levied or an appropriation of public money be made for said fund except as herein provided.

§ 2. The board of education, together with the superintendent of schools, and two representatives to be selected annually by the teachers and employes of the public schools under control of said board, shall form a board of trustees, a majority of whom shall determine the amount to be deducted from the salaries paid to teachers and employes as aforesaid, and shall have charge of, and administer said fund, and shall have power to invest the same as shall be deemed most beneficial to said fund, in the same manner and subject to the same terms and conditions as township treasurers are permitted to invest school funds in article four (4) of an act entitled "An act to establish and maintain a system of free schools," in force May 4, 1889, and shall have power to make payments from said fund of annuities granted in pursuance of this act, and shall from time to time make and establish such rules and regulations for the administration of said fund as they shall deem best.

§ 3. Said board of education shall have power, by a majority vote of all its members, to retire any female teacher or other female school employe who shall have taught in public schools or rendered service

therein for a period aggregating twenty years: and any male teacher or male school employé who shall have taught or rendered service for a period aggregating twenty-five years, and such teacher or school employé also shall have the right after said term of service to retire and become a beneficiary under this act: *Provided, however,* that three-fifths of said term of service shall have been rendered by said beneficiary within the limits of the municipality where said board of education has jurisdiction.

§ 4. Each teacher and school employé so retired or retiring shall thereafter be entitled to receive as an annuity one-half of the annual salary paid to said teacher or employé at the date of such retirement, said annuity to be paid monthly during the school year: *Provided, however,* that such annuity shall not exceed the sum of six hundred dollars (\$600), which shall be paid by said board of education out of the fund created in accordance with this act in the manner provided by law for the payment of salaries.

§ 5. Said board of trustees is hereby given the power to use both the principal and the income of said fund for the payment of annuities hereinbefore mentioned, and shall have power to reduce, from time to time, the amount of all annuities: *Provided,* that such reduction shall be at the same rate in all cases.

§ 6. The president and secretary of such board of education shall certify monthly to the city treasurer all amounts deducted from the salaries of teachers, special teachers, principals and employés of the board of education in accordance with the provisions of this act, which amounts as well as all other moneys contributed to said fund, shall be set apart and held by said treasurer as a special fund for the purpose hereinbefore specified, subject to the order of said board of education, superintendent of schools, and two representatives, as aforesaid, and shall be paid out upon warrants signed by the president and secretary of said board of education.

§ 7. The city treasurer shall be custodian of said pension fund, and shall secure and safely keep the same subject to the control and direction of said board of trustees, and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the said board. And said books and accounts shall always be subject to the inspection of the said board or any member thereof.

The treasurer shall, within ten days after his election or appointment, execute a bond to the city, with good and sufficient securities, in such penal sum as the said board shall direct, to be approved by the said board, conditioned for the faithful performance of the duties of his office, and that he will safely keep, and well and truly account for all moneys and profits which may come into his hands as such treasurer, and that on the expiration of his term of office he will surrender and deliver over to his successor all unexpended moneys and all property which may have come into his hand as treasurer of such fund. Such bond shall be filed in the office of the clerk of such city, and in case of a breach of the same or the conditions thereof, suit may be brought on the same in the name of said city for the use of said board of trustees or of any person or persons injured by such breach.

§ 8. No teacher or other school employé who has been or who shall have been elected by said board of education shall be removed or discharged except for cause upon written charges, which shall be investigated and determined by the said board of education whose action and decision in the matter shall be final.

If at any time a teacher or school employé who is willing to continue is not re-employed or is discharged before the time when he or she would under the provisions of this act be entitled to a pension, then such teacher or school employé shall be paid back at once all the money, with interest, he or she may have contributed under the law.

APPROVED May 21, 1895.

#### FLAG LAW.

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| § 1. On court houses.   | § 4. Payment for the flags. |
| § 2. On penal and reformatory, State educational and State charitable institutions. | § 5. Penalty.               |
| § 3. On public school buildings.  | § 6. Repeal of former acts. |

*AN ACT to provide for placing United States national flags on school houses, court houses and other public buildings in this State, and to repeal certain acts therein named. Approved June 2, 1897. In force July 1, 1897.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be the duty of the board of supervisors in counties under township organization, and the board of commissioners in counties not under township organization, to provide United States national flags of not less than four by eight feet in size, to be unfurled and kept floating from a suitable flag staff to be placed on the top of the court house in their respective counties, and it is hereby made the duty of the sheriff of each and every county in the State to see that the flag so provided shall be hoisted on its flag staff above the court house and kept floating from eight o'clock a. m. to five o'clock p. m. on each and every legal holiday of the year, and on such other days as the board of supervisors or the board of county commissioners may direct.

§ 2. The commissioners or trustees of all penal and reformatory, State educational and State charitable institutions of this State shall provide United States national flags of not less than ten by twenty feet in size, and cause the same to be unfurled and kept floating above the said penal and reformatory, State educational and State charitable institutions, or on a suitable flag pole from eight o'clock a. m. to five o'clock p. m. on each and every legal holiday in the year, and on such other days as the commissioners or trustees may determine.

§ 3. The directors or board of education of every school district in the State of Illinois shall have power to cause to be erected and to keep in repair upon all public school houses or within the school

grounds surrounding such public school buildings which may be in their respective school districts, a good and sufficient flag staff or pole, together with all necessary adjustments, and that they shall provide a United States national flag of not less than four by eight feet in size, which shall be floated from such flag staff or pole during the school hours of such days as the directors or board of education may determine: *Provided*, that the flag shall not be hoisted on any court house, State institution or public school building during any day when a violent storm or inclement weather would destroy or materially injure such flag.

§ 4. The flag used by any and all State institutions, as provided for in this act, shall be paid for out of the funds appropriated for the running expenses of said institutions, the same as other necessary supplies are bought and paid for, and the flags for use over court houses and public school buildings are hereby declared to be necessary supplies, and may be paid for out of the public funds of the respective counties or school districts.

§ 5. Any person or persons who shall wilfully injure, deface or destroy any flag, flag staff or pole, or adjustments attached thereto, erected and arranged for the purpose of carrying out the requirements of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one (1) dollar nor more than fifteen (15) dollars.

§ 6. That an act entitled "An act to provide for placing the United States national flags on school houses, court houses and other buildings in the State," became a law June 26, 1895, in force July 1, 1895; and an act entitled "An act to require the United States flag to be placed upon all public buildings in Illinois, or upon a flag pole erected within the school grounds surrounding such school buildings," became a law June 26, 1895, in force July 1, 1895, be and the same are hereby repealed.

#### CLASSES FOR DEAF CHILDREN IN THE PUBLIC SCHOOLS.

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| § 1. Providing instruction for deaf children.              | § 4. Time of distributing funds.                 |
| § 2. Report to be made annually to State Superintendent.   | § 5. Teachers appointed by State Superintendent. |
| § 3. County superintendent authorized to distribute funds. |  |

*AN ACT authorizing school districts managed by boards of education or directors to establish and maintain classes for the deaf in the public schools, and authorizing payment therefor from State common school funds. Approved June 11, 1897, in force July 1, 1897.*

SECTION 1. *Be it enacted by the People of the State of Illinois: represented in the General Assembly: That upon application by a board of education or directors of any school district of the State to*



the State Superintendent of Public Instruction, he shall grant permission to such board of education or directors, and such board of education or directors shall thereupon be empowered to maintain as part of a public school, within its limits, one or more classes, having an average attendance of not less than three pupils, for the instruction of deaf persons over the age of three and under twenty-one years, residents of the State of Illinois.

§ 2. Such board of education or directors which shall maintain one or more classes for the instruction of the deaf shall report to the State Superintendent of Public Instruction annually, and as often as said Superintendent shall direct, such facts concerning such class or classes as he may require.

§ 3. The county superintendent of schools in each county is hereby authorized and directed to apportion and pay, out of the State common school fund received by such county, to the treasurer or other financial officer of such board of education or directors maintaining such class or classes for the instruction of the deaf, the sum of one hundred and fifty dollars for each deaf pupil, resident of such county, instructed in any such class for at least nine months during the school year, and a share of such sum proportionate to the term of instruction of any such pupil as shall be so instructed less than nine months during such year. If no such class shall be maintained in a public school in any county, but persons residing in such county shall attend such class in an adjoining county with the permission of the county superintendent of the county not maintaining such class, then said superintendent shall pay to the financial officer of the board of education or directors of the district maintaining such class the amount above specified for each pupil attending such class in such other county.

§ 4. The sums provided in the next succeeding section shall be paid by such county superintendent of schools as soon as may be after the receipt by him of the State common school fund in each year, upon satisfactory proof being made to him by the president and the secretary or clerk of such board of education or directors maintaining such class, of the number of pupils instructed in such class or classes, and their residences, and the period of time each such pupil shall have been so instructed in such class or classes for the preceding school year.

§ 5. All teachers in such classes shall be appointed by the State Superintendent of Public Instruction upon application of the board of education or directors of the school district maintaining such class or classes; the State Superintendent of Public Instruction to have the power to remove such teachers for cause. No person shall be appointed to teach any such class who shall not have first obtained a teacher's certificate, as provided by law, and who shall not have received specific instruction in the teaching of the deaf for a term of not less than one year.



## A MANUAL TRAINING DEPARTMENT FOR TOWNSHIP HIGH SCHOOLS.

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| § 1. Election for establishment of manual training department. | § 3. Establishment of the training department. |
| § 2. Ballots for such election.                                |  |

*AN ACT to provide for the establishment and maintenance of manual training departments for high schools. Approved June 3, 1897, in force July 1, 1897.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That upon the petition of not less than fifty voters of any high school district, filed with the township treasurer at least fifteen days preceding the regular election of members of the board of education for said high school district, it shall be the duty of the said treasurer to notify the voters of said district that an election "For" or "Against" the establishment of a manual training department for said high school will be held at the next annual election of the board of education by posting notices of such election in at least ten of the most public places throughout the township for at least ten days before the day of such regular election, which notice may be in the following form:

## HIGH SCHOOL ELECTION.

Notice is hereby given that on Saturday, the.....day of April, A. D....., an election will be held at.....for the purpose of voting "For" or "Against" the proposition to establish a manual training department for the high school in township No....., range No..... The polls for said election will be opened at.....o'clock and close at.....o'clock of said day.

.....  
Township Treasurer.

§ 2. The ballots for such election shall be received and canvassed as in other elections, and may have on them the names of the board of education voted for at said election.

§ 3. If a majority of the votes cast at such election shall be in favor of establishing a manual training department for the high school in said district, it shall be the duty of the board of education to establish and maintain therein such department as a part of the high school.

## APPENDIX.

[Containing acts establishing State Normal Schools, providing for County Normal Schools and providing for State Scholarships in the University of Illinois.]

## ILLINOIS STATE NORMAL UNIVERSITY, NORMAL.

## AN ACT for the establishment and maintenance of a Normal University.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That C. B. Denio, of Jo-Davies county, Simeon Wright, of Lee county, Daniel Wilkins, of McLean county, C. E. Hovey, of Peoria county, George P. Rex, of Pike county, Samuel W. Moulton, of Shelby county, John Gillespie, of Jasper county, George Bunsen, of St. Clair county, Wesley Sloan, of Pope county, Ninian W. Edwards, of Sangamon county, John Eden, of Moultrie county, Flavel Mosley, of Cook county, William H. Wells, of Cook county, Albert R. Shannon, of White county, and the Superintendent of Public Instruction, *ex-officio*, with their associates, who shall be elected as herein provided, and their successors are hereby created a body corporate and politic, to be styled "The Board of Education of the State of Illinois," and by that name and style shall have perpetual succession, and have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to acquire, hold and convey real and personal property: to have and use a common seal, and to alter the same at pleasure: to make and establish by-laws and alter or repeal the same as they shall deem necessary for the government of the normal university hereby authorized to be established, or any of its departments, officers, students or employes, not in conflict with the constitution and laws of this State or of the United States: and to have and exercise all powers, and be subject to all duties usual and incident to trustees of corporations.

§ 2. The Superintendent of Public Instruction, by virtue of his office, shall be a member and secretary of said board, and shall report to the Legislature at its regular sessions the condition and expenditures of said normal university, and communicate such further information as the said board of education or the Legislature may direct.

§ 3. No member of the board of education shall receive any compensation for attendance on the meetings of the board, except his necessary traveling expenses; which shall be paid in the same manner as the instructors employed in the said normal university shall be paid. At all the stated and other meetings of the board, called by the president or secretary, or any five members of the board, five members shall constitute a quorum, provided all shall have been duly notified.

§ 4. The objects of the said normal university shall be to qualify teachers for the common schools of this State, by imparting instruction in the art of teaching, and all branches of study which pertain to a common school education; in the elements of the natural sciences, including agricultural chemistry, animal and vegetable physiology; in the fundamental laws of the United States and the State of Illinois, in regard to the rights and duties of citizens, and such other studies as the board of education may, from time to time, prescribe.

§ 5. The board of education shall hold its first meeting at the office of the Superintendent of Public Instruction, on the first Tuesday in May next, at which meeting they shall appoint an agent, fixing his compensation, who shall visit the cities, villages and other places in the State, which may be deemed eligible for the purpose, to receive donations and proposals for the establishment and maintenance of the normal university. The board shall have power, and it shall be their duty, to fix the permanent location of said normal university, at the place where the most favorable inducements are offered for that purpose: *Provided*, that such location shall not be difficult of access, or detrimental to the welfare and prosperity of said normal university.

§ 6. The board of education shall appoint a principal, lecturer on scientific subjects, instructors and instructresses, together with such other officers as shall be required in the said normal university: fix their respective salaries and prescribe their several duties. They shall also have power to remove any of them for proper cause, after having given ten days' notice of any charge, which may be duly presented, and reasonable opportunity for defense. They shall also prescribe the text books, apparatus and furniture to be used in the university, and provide the same: and shall make all regulations necessary for its management. And the board shall have power to recognize auxiliary institutions when deemed practicable: *Provided*, that such auxiliary institutions shall not receive any appropriation from the treasury, or the seminary or university fund.

§ 7. Each county in the State shall be entitled to gratuitous instruction for one\* pupil in said normal university; and each representative district shall be entitled to gratuitous instruction for a number of pupils equal to the number of representatives in said district, to be chosen in the following manner: The school commissioner [county superintendent] in each county shall receive and register the names of all applicants for admission to said normal university, and shall present the same to the county court, or, in counties acting under township organization, to the board of supervisors, which said county court or board of supervisors, as the case may be, shall, together with the county commissioner, examine all applicants so presented, in such a manner as the board of education may direct, and from the number of such as shall be found to possess the requisite qualifications, such pupils shall be selected by lot: and in representative districts composed of more than one county, the school

\* Made two by act approved February 14, 1831.

commissioner and the county judge, or the school commissioner and chairman of the board of supervisors, in counties acting under township organization, as the case may be, of the several counties composing such representative district, shall meet at the clerk's office of the county court of the oldest county, and from the applicants so presented to the county court, or board of supervisors, of the several counties represented, and found to possess the requisite qualifications, shall select by lot the number of pupils to which said district is entitled. The board of education shall have the discretionary power, if any candidate does not sign and file with the secretary of the board a declaration that he or she shall teach in the public schools within the State, in case that engagements can be secured by reasonable efforts, to require such candidate to provide for the payment of such fees for tuition as the board may prescribe.

§ 8. The interest of the university and seminary fund, or such part thereof as may be found necessary, shall be and is hereby appropriated for the maintenance of said normal university, and shall be paid on the order of the board of education from the treasury of the State; but in no case shall any part of the interest of said fund be applied to the purchase of sites, or for buildings for said university.

§ 9. The board shall have power to appropriate the one thousand dollars received from the Messrs. Merriam, of Springfield, Massachusetts, by the late Superintendent, to the purchase of apparatus for the use of the normal university, when established, and hereafter all gifts, grants and demises which may be made to the said normal university shall be applied in accordance with the wishes of the donors of the same.

§ 10. The board of corporators herein named, and their successors, shall each of them hold their office for the term of six years: *Provided*, that at the first meeting of said board, the said corporators shall determine by lot, so that one-third shall hold their office for two years, one-third for four years and one-third for six years. The Governor, by and with the advice and consent of the Senate, shall fill all vacancies which shall, at any time, occur in said board, by appointment of suitable persons to fill the same.

§ 11. At the first meeting of the board, and at each biennial meeting thereafter, it shall be the duty of said board to elect one of their number president, who shall serve until the next biennial meeting of the board, and until his successor is elected.

§ 12. At each biennial meeting, it shall be the duty of the board to appoint a treasurer, who shall not be a member of the board, and who shall give bond with such security as the board may direct, conditioned for the faithful discharge of the duties of his office.

§ 13. This act shall take effect on and after its passage, and be published and distributed as an appendix to the school law.

APPROVED February 18, 1857.

## SOUTHERN ILLINOIS NORMAL UNIVERSITY, CARBONDALE.

## AN ACT to establish and maintain the Southern Illinois Normal University.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a body politic and corporate is hereby created, by the name of the Southern Illinois Normal University, to have perpetual succession, with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to receive, by any legal mode of transfer or conveyance, property of any description, and to have, hold and enjoy the same, with the rents and profits thereof, and to sell and convey the same; also, to make and use a corporate seal with power to break or change the same, and to adopt by-laws, rules and regulations for the government of its members, officers, agents and employés: *Provided*, such by-laws shall not conflict with the Constitution of the United States or of this State.

§ 2. The objects of the said Southern Illinois Normal University shall be to qualify teachers for the common schools of this State by imparting instruction in the art of teaching in all branches of study which pertain to a common school education, in the elements of the natural sciences, including agricultural chemistry, animal and vegetable physiology, in the fundamental laws of the United States, and of the State of Illinois, in regard to the rights and duties of citizens, and such other studies as the board of education may, from time to time prescribe.

§ 3. The powers of the said corporation shall be vested in, and its duties performed by, a board of trustees, not exceeding five in number, to be appointed as hereinafter provided.

§ 4. Upon the passage of this act, the Governor shall nominate and, by and with the advice of the Senate, appoint five citizens of the State as trustees of said institution, two of whom shall serve for two years, and three for four years, and until their successors are appointed and enter on duty, and successors in each class shall be appointed in like manner for four years: *Provided*, that in case of a vacancy by death or otherwise, the Governor shall appoint a successor for the remainder of the term vacated: *Provided*, that not more than two members of said board shall be residents of any one county.

§ 5. The said trustees shall hold their first meeting at Centralia, within one month after the passage of this act, at which meeting they shall elect one of their body as president and another as secretary; and cause a regular record to be made and kept of all their proceedings. The said board shall also, whenever his services shall be required, appoint a treasurer, not a member of the board, who shall give bonds to the People of the State of Illinois in double the amount of the largest sum likely to come into his hands, the penalty to be fixed by the board, conditioned for the faithful discharge of his duties as treasurer, with two or more securities; the treasurer may also be required to execute bonds from time to time as the board may direct.



§ 6. The treasurer shall keep an accurate account of all moneys received and paid out; the account for articles and supplies of every kind purchased shall be kept and reported, so as to show the kind, quantity and cost thereof.

§ 7. No member, officer, agent or employé of this board shall be a party interested in any contract for materials, supplies or services other than such as pertain to their positions and duties.

§ 8. Accounts of this institution shall be stated and settled annually with the Auditor of Public Accounts, or with such person or persons as may be designated by law for that purpose. And the trustees shall, ten days previous to each regular session of the General Assembly, submit to the Governor a report of all their actions and proceedings in the execution of their trust, with a statement of all accounts connected therewith, to be by the Governor laid before the General Assembly.

§ 9. The said board shall meet quarterly at such places or place as may be agreed on, and, until the buildings are completed, as much oftener as may be necessary; and thereafter the meetings shall be at the university.

§ 10. The trustees shall, as soon as practicable, advertise for proposals from localities desiring to secure the location of said normal university, and shall receive, for not less than three months from the date of their first advertisement, proposals for points situated as hereinafter mentioned, to donate lands, buildings, bonds, moneys, or other valuable consideration, to the State in aid of the foundation and support of said university; and shall, at a time previously fixed by advertisement, open and examine such proposals, and locate the institution at such a point as shall, all things considered, offer the most advantageous conditions. The land shall be selected south of the railroad, or within six miles north of said road, passing from St. Louis to Terre Haute, known as the Alton and Terre Haute railroad, with a view of obtaining a good supply of water and other conveniences for the use of the institution.

§ 11. Upon the selection and securing of the land aforesaid, the trustees shall proceed to contract for the erection of buildings in which to furnish educational facilities for such number of students as hereinafter provided for, together with the out-houses required for use, also for the improvement of the land so as to make it available for the use of the institution. The buildings shall not be more than two stories in height, and be constructed upon the most approved plan for use, shall front the east, and shall be of sufficient capacity to accommodate not exceeding three hundred students, with the officers and necessary attendants. The outside walls to be of hewn stone or brick, partition walls of brick, roofs of slate, and the whole buildings made fire-proof, and so constructed as to be warmed in the most healthy and economical manner, with ample ventilation in all its parts. The out-houses shall be so placed and constructed as to avoid all danger to the main buildings from fire originating in any one of them. The board shall appoint an honest, competent superintendent of the buildings and improvements aforesaid, whose duty

shall be to be always present during the progress of the work, and see that every stone, brick and piece of timber used is sound and properly placed, and whose right it shall be to require contractors and their employés to conform to his directions in executing their contracts: *Provided, however,* that said board of trustees may appoint any one of their number such superintendent: *And, provided further,* that the buildings aforesaid may be erected and improvements made under the direction of the board and its superintendent, without letting the same to contractors.

§ 12. The said board of trustees shall appoint instructors and instructresses, together with such other officers as may be required in the said normal university; fix their respective salaries and prescribe their several duties. They shall also have power to remove any of them for proper cause after having given ten days' notice of any charge which may be duly presented, and reasonable opportunity of defense. They shall also prescribe the text books, apparatus and furniture to be used in the university and provide the same, and shall make all regulations necessary for its management.

§ 13. All the counties shall be entitled to gratuitous instruction for two pupils for each county in said normal university, and each representative district shall be entitled to gratuitous instruction for a number of pupils equal to the number of representatives in said district, to be chosen in the following manner: The superintendent of schools in each county shall receive and register the names of all applicants for admission in said normal university, and shall present the same to the county court, or, in counties acting under township organization, to the board of supervisors, which said county court or board of supervisors, as the case may be, shall, together with the superintendent of schools, examine all applicants so presented, in such manner as the board of trustees may direct; and from the number of such as shall be found to possess the requisite qualifications, such pupils shall be selected by lot, and in representative districts composed of more than one county, the superintendent of schools and county judge, or the superintendent of schools and chairman of the board of supervisors in counties acting under township organization, as the case may be, of the several counties composing such representative district, shall meet at the clerk's office of the county court of the oldest county, and from the applicants so presented to the county court or board of supervisors of the several counties represented, and found to possess the requisite qualifications, shall select by lot the number of pupils to which said district is entitled. The board of trustees shall have discretionary power, if any candidate does not sign and file with the secretary of the board a declaration that he or she will teach in the public schools within the State not less than three years, in case that engagements can be secured by reasonable efforts, to require [the] candidate to provide for the payment of such fees for tuition as the board may prescribe.

§ 14. To enable the board of trustees to erect the buildings and make the improvements preparatory to the reception of pupils in said institution, and to supply the necessary furniture for the same.

the sum of seventy-five thousand dollars is hereby appropriated out of the State treasury, payable on the orders of said board, as required for use, in sums not exceeding ten thousand dollars per month. The first payment to be made on the first day of June next, and subsequent payments monthly thereafter, but each successive order for subsequent payments shall be accompanied by an account sustained by vouchers, showing, to the satisfaction of the Auditor, the expenditure of the previous payment.

§ 15. The expense of building, improving, repairing and supplying fuel and furniture, and the salaries or compensation of the trustees, superintendent, assistants, agents and employés, shall be a charge upon the State treasury; all other expenses shall be chargeable against pupils, and the trustees shall regulate the charges accordingly.

§ 16. If the buildings and improvements herein provided for shall be ready for the reception of pupils before the next regular session of the General Assembly, the Governor is authorized to make orders on the Auditor, directing him to issue warrants at the end of each quarter of the fiscal year for amounts sufficient to pay the expenses chargeable against the State, and the Auditor shall issue warrants accordingly, which shall be paid by the Treasurer.

§ 17. Trustees of this institution shall receive their personal and traveling expenses, and the Auditor is hereby authorized to issue his warrants quarterly, upon taking the affidavit of the trustees as to the actual time employed, and their personal and traveling expenses.

§ 18. This act shall take effect and be in force from and after its passage.

APPROVED March 9, 1869.

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EASTERN ILLINOIS STATE NORMAL SCHOOL, CHARLESTON.

AN [ACT] *To establish and maintain the Eastern Illinois State Normal School.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a body politic and corporate is hereby created, by the name of the Eastern Illinois State Normal School, to have perpetual succession with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to receive by any legal mode or transfer or conveyance property of any description, and to have and hold and enjoy the same; also to make and use a corporate seal with power to break or change the same, and adopt by-laws, rules and regulations for the government of its members, official agents and employés: *Provided*, such by-laws shall not conflict with the Constitution of the United States or of this State.

§ 2. The object of the said Eastern Illinois State Normal School shall be to qualify teachers for the common schools of this State by

imparting instructions in the art of teaching in all branches of study which pertain to a common school education; in the elements of the natural and of the physical sciences; in the fundamental laws of the United States and of the State of Illinois, in regard to the rights and duties of citizens.

§ 3. The powers of the said corporation shall be vested [in] and its duties performed by, a board of trustees, not exceeding five in number, to be appointed as hereinafter provided.

§ 4. Upon the passage of this act, the Governor shall nominate, and, by and with the advice of the Senate, appoint five citizens who shall be residents of the State outside of the territory within which this school is to be located, as trustees of said institution, two of whom shall serve for two years and three for four years, and until their successors are appointed and enter on duty; and successors in each class shall be appointed in like manner for four years: *Provided*, that in case of a vacancy by death or otherwise, the Governor shall appoint a successor for the remainder of the term vacated: *Provided*, that no two members of said board shall be residents of any one county or in one senatorial district. The Superintendent of Public Instruction shall be a trustee of said school, *ex-officio*.

§ 5. The said trustees shall hold their first meeting at . . . . . within one month from the time this act goes into effect, at which meeting they shall elect one of their body as president and another as secretary, and cause a regular record to be made and kept of all their proceedings. The said board shall also, whenever his services shall be required, appoint a treasurer, not a member of the board, who shall give bonds to the People of the State of Illinois in double the amount of the largest sum likely to come into his hands, the penalty to be fixed by the board, conditioned for the faithful discharge of his duties as treasurer, with two or more securities; the treasurer may also be required to execute bonds from time to time as the board may direct.

§ 6. The treasurer shall keep an accurate account of all moneys received and paid out; the account for articles and supplies of every kind purchased shall be kept and reported, so as to show the kind, quantity and cost thereof.

§ 7. No member, officer, agent or employé of the board shall be a party to, or interested in, any contract for materials or supplies.

§ 8. Accounts of this institution shall be stated and settled annually with the Auditor of Public Accounts, or with such person or persons as may be designated by law for that purpose. And the trustees shall, ten days previous to each regular session of the General Assembly, submit to the Governor a report of all their actions and proceedings in the execution of their trust, with a statement of all accounts connected therewith, to be by the Governor laid before the General Assembly.

§ 9. The said board shall meet quarterly at such place or places as may be agreed on, and, until the buildings are completed, as much



oftener as may be necessary, and thereafter the meetings shall be at the school.

§ 10. The trustees shall, as soon as practicable after their appointment, arrange to receive from the localities desiring to secure the location of said school, proposals for donation of a site, of not less than forty acres of ground, and other valuable considerations, and shall locate the same in the place offering the most advantageous conditions, all things considered, in that portion of the State lying north of the Baltimore & Ohio Southwestern Railroad, and south of the Wabash Railroad, and east of the main line of the Illinois Central Railroad, and the counties through which said roads run, with a view of obtaining a good water supply and other conveniences for the use of the institution.

§ 11. Upon the selection and securing of the land aforesaid, the trustees shall proceed to secure plans, and to contract for the erection of buildings in which to furnish educational facilities for such number of students as hereinafter provided for, together with the out-houses required for use; also for the improvement of the land so as to make it available for the use of the institution. The buildings shall not be more than two stories in height, and be constructed upon the most approved plans for use, and shall be of sufficient capacity to accommodate not less than one thousand students, with the officers and necessary attendants. The outside walls to be of hewn stone or brick, partition walls of brick, or equally good fire-proof material; roof of slate, and the whole buildings made fire resisting, and so constructed as to be warmed in the most healthful and economical manner, with ample ventilation in all its parts. The out-houses shall be so placed and constructed as to avoid all danger to the main buildings from fire originating in any one of them. The board shall appoint a trustworthy and competent superintendent of the buildings and improvements aforesaid, whose duty it shall be to be always present during the progress of the work, and see that every brick, stone and piece of timber used is sound and properly placed, and whose right it shall be to require contractors and their employes to conform to his directions in executing their contracts: *Provided, however,* that said board of trustees shall not appoint any one of their number such superintendent: *And, provided further,* that the buildings aforesaid may be erected and improvements made under the direction of the board and superintendent, without letting the same to contractors.

§ 12. The said board of trustees shall appoint instructors, together with such other officers as may be required in the said normal schools, fix their respective salaries and prescribe their several duties. They shall also have power to remove any of them for proper cause after having given ten days' notice of any charge which may be duly presented, and reasonable opportunity of defense. They shall also prescribe the text-books, apparatus and furniture to be used in the school, and provide the same, and shall make all regulations necessary for this management.



§ 13. All the counties of the State shall be entitled to gratuitous instruction for two pupils for each county in said normal school, and each representative district shall be entitled to gratuitous instruction for a number of pupils equal to the number of representatives in said district, to be chosen in the following manner; The superintendent of schools in each county shall receive and register the names of all applicants for admission in said normal school, and shall present the same to the county court, or in counties acting under township organization, to the board of supervisors, as the case may be, shall, together with the superintendent of schools, examine all applicants so presented, in such manner as the board of trustees may direct; and from the number of such as shall be found to possess the requisite qualifications, such pupils shall be selected by lot; and in representative districts composed of more than one county, the superintendent of schools and county judge, or the superintendent of schools and the chairman of the board of supervisors in counties acting under township organization, as the case may be, of the several counties composing such representative district, shall meet at the clerk's office of the county court of the oldest county, and from the applicants so presented to the county court or board of supervisors of the several counties represented, and found to possess the requisite qualifications, shall select by lot the pupils to which said district is entitled. The board of trustees shall have discretionary power, if any candidate does not sign and file with the secretary of the board a declaration that he or she will teach in the public schools within the State not less than three years, in case that engagements can be secured by reasonable efforts, to require the candidate to provide for the payment of such fees for tuition, as the board may prescribe.

§ 14. To enable the board of trustees to erect the buildings and make the improvements preparatory to the reception of pupils in said institution, to supply the necessary furniture for the same, and for the first year's instruction, the sum of fifty thousand dollars is hereby appropriated out of the State treasury, payable on the orders of said board, as required for use, in sums not exceeding ten thousand dollars per month; the first payment to be made on the first day of July, 1896, and subsequent payments shall be accompanied by an account, sustained by vouchers, showing to the satisfaction of the Auditor and with the approval of the Governor, the expenditure of the previous payment.

§ 15. The expense of the building, improving, repairing and supplying fuel and furniture, and the necessary appliances and apparatus for conducting said school, and the salaries or compensation of trustees, superintendent, assistants, agents and employes, shall be a charge upon the State treasury; all other expenses shall be chargeable against pupils and the trustees shall regulate the charges accordingly.

§ 16. If the buildings and improvements herein provided for shall be ready for the reception of pupils before the next regular session of the General Assembly, the Governor is authorized to make

orders on the Auditor, directing him to issue warrants at the end of each quarter of the fiscal year for amounts sufficient to pay expenses chargeable against the State out of the above named appropriation of fifty thousand dollars, and the Auditor shall issue warrants accordingly, which shall be paid by the Treasurer.

§ 17. The trustees of the institution shall receive their personal and traveling expenses, and the Auditor is hereby authorized to issue warrants quarterly, upon taking the affidavit of the trustees as to the actual time employed, and their personal and traveling expenses.

APPROVED May 22, 1895.

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NORTHERN ILLINOIS STATE NORMAL SCHOOL, DEKALB.

AN ACT to establish and to maintain the Northern Illinois State Normal School.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a body politic and corporate is hereby created, by the name of the Northern Illinois State Normal School, to have perpetual succession, with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to receive by any legal mode or transfer or conveyance property of any description, and to have and hold and enjoy the same; also to make and use a corporate seal with power to break or change the same, and adopt by-laws, rules and regulations for the government of its members, official agents and employés: *Provided*, such by-laws shall not conflict with the Constitution of the United States or of this State.

§ 2. The object of the said Northern Illinois State Normal School shall be to qualify teachers for the common schools of this State by imparting instruction in the art of teaching in all branches of study which pertain to a common school education, in the elements of the natural and of the physical sciences, in the fundamental laws of the United States and of the State of Illinois, in regard to the rights and duties of citizens.

§ 3. The powers of the said corporation shall be vested in, and its duties performed by, a board of trustees, not exceeding five in number, to be appointed as hereinafter provided.

§ 4. Upon the passage of this act, the Governor shall nominate, and by and with the advice of the Senate, appoint five citizens of the State as trustees of said institution, two of whom shall serve for two years, and three for four years, and until their successors are appointed and enter on duty, and successors in each class shall be appointed in like manner for four years: *Provided*, that in case of a vacancy by death or otherwise, the Governor shall appoint a successor for the remainder of the term vacated: *Provided*, that no two members of said board shall be residents of any one county, or in one congressional district. The Superintendent of Public Instruction shall be a trustee of this school, *ex-officio*.

§ 5. The said trustees shall hold their first meeting at..... within one month from the time this act goes into effect, at which meeting they shall elect one of their body as president and another as secretary, and cause a regular record to be made and kept of all their proceedings. The said board shall also, whenever his services shall be required, appoint a treasurer, not a member of the board, who shall give bonds to the People of the State of Illinois in double the amount of the largest sum likely to come into his hands, the penalty to be fixed by the board, conditioned for the faithful discharge of his duties as treasurer, with two or more securities; the treasurer may also be required to execute bonds from time to time as the board may direct.

§ 6. The treasurer shall keep an accurate account of all moneys received and paid out; the account for articles and supplies of every kind purchased shall be kept and reported, so as to show the kind, quantity and cost thereof.

§ 7. No member, officer, agent or employé of the board shall be a party to or interested in any contract for materials or supplies.

§ 8. Accounts of this institution shall be stated and settled annually with the Auditor of Public Accounts, or with such person or persons as may be designated by law for that purpose. And the trustees shall, ten days previous to each regular session of the General Assembly, submit to the Governor a report of all their actions and proceedings in the execution of their trust, with a statement of all accounts connected therewith, to be by the Governor laid before the General Assembly.

§ 9. The said board shall meet quarterly at such place or places as may be agreed on, and, until the buildings are completed, as much oftener as necessary, and thereafter the meetings shall be at the school.

§ 10. The trustees shall, as soon as practicable after their appointment, arrange to receive from the localities desiring to secure the location of such school, proposals for the donation of a site, of not less than forty acres of ground, and other valuable considerations, and shall locate the same in the place offering the most advantageous conditions, all things considered, as nearly central as possible in that portion of the State lying north of the main line of the C., R. I. & P. R. R., with a view of obtaining a good water supply and other conveniences for the use of the institution.

§ 11. Upon the selection and securing the land aforesaid, the trustees shall proceed to secure plans and to contract for the erection of buildings in which to furnish educational facilities for such number of students as hereinafter provided for, together with the out-houses required for use, also for the improvement of the land so as to make it available for the use of the institution. The building shall not be more than two stories in height, and be constructed upon the most approved plan for use, and shall be of sufficient capacity to accommodate not less than one thousand students, with the officers and necessary attendants. The outside walls to be of hewn stone or brick; partition walls of brick, or equally good fire-proof material;

roof of slate, and the whole buildings made fire-resisting, and so constructed as to be warmed in the most healthful and economical manner, with ample ventilation in all its parts. The outhouses shall be so placed and constructed as to avoid all danger to the main buildings from fire originating in any one of them. The board shall appoint a trustworthy and competent superintendent of the buildings and improvements aforesaid, whose duty it shall be to be always present during the progress of the work, and see that every brick, stone and piece of timber used is sound and properly placed, and whose right it shall be to require contractors and their employés to conform to his directions in executing their contracts: *Provided, however*, that said board of trustees shall not appoint any one of their number such superintendent: *And, provided further*, that the buildings aforesaid may be erected and improvements made under the direction of the board and superintendent, without letting the same to contractors.

§ 12. The said board of trustees shall appoint instructors, together with such other officers as may be required in the said normal schools, fix their respective salaries and prescribe their several duties. They shall also have power to remove any of them for proper cause after having given ten days notice of any charge which may be duly presented, and reasonable opportunity of defense. They shall also prescribe the text books, apparatus and furniture to be used in the school and provide the same, and shall make all regulations necessary for this management.

§ 13. All the counties of the State shall be entitled to gratuitous instruction for two pupils for each county in said normal school, and each representative district shall be entitled to gratuitous instruction for a number of pupils equal to the number of representatives in said district, to be chosen in the following manner: The superintendent of schools in each county shall receive and register the names of all applicants for admission in said normal school, and shall present the same to the county court, or in counties acting under township organization, to the board of supervisors, as the case may be, shall, together with the superintendent of schools, examine all applicants so presented, in such manner as the board of trustees may direct, and from the number of such as shall be found to possess the requisite qualifications, such pupils shall be selected by lot, and in representative districts composed of more than one county, the superintendent of schools and county judge, or the superintendent of schools and the chairman of the board of supervisors in the counties acting under township organization, as the case may be, of the several counties composing such representative district, shall meet at the clerk's office of the county court of the oldest county, and from the applicants so presented to the county court or board of supervisors of the several counties represented, and found to possess the requisite qualifications, shall select by lot the pupils to which said district is entitled. The board of trustees shall have discretionary power, if any candidate does not sign and file with the secretary of the board a declaration that he or she will teach in the public schools within the State not less than three years, in case that engage-



ments can be secured by reasonable efforts, to require the candidate to provide for the payment of such fees for tuition as the board may prescribe.

§ 14. To enable the board of trustees to erect the buildings and make the improvement preparatory to the reception of pupils in said institution, to supply the necessary furniture for the same, and for the first year's instruction, the sum of fifty thousand dollars is hereby appropriated out of the State treasury, payable on the orders of said board, as required for use, in sums not exceeding ten thousand dollars per month, the first payment to be made on the first day of July, 1896, and subsequent payments shall be accompanied by an account, sustained by vouchers, showing to the satisfaction of the Auditor the expenditure of the previous payment, and approved by the Governor.

§ 15. The expense of the building, improving, repairing and supplying fuel and furniture, and the necessary appliances and apparatus for conducting said school, and the salaries or compensation of the trustees, superintendent, assistants, agents and employés, shall be a charge upon the State treasury; all other expenses shall be chargeable against pupils, and the trustees shall regulate the charges accordingly.

§ 16. If the buildings and improvements herein provided for shall be ready for the reception of pupils before the next regular session of the General Assembly, the Governor is authorized to make orders on the Auditor, directing him to issue warrants at the end of each quarter of the fiscal year for amounts sufficient to pay expenses chargeable against the State out of the above named appropriation of fifty thousand dollars, and the Auditor shall issue warrants accordingly, which shall be paid by the Treasurer.

§ 17. The trustees of this institution shall receive their personal and traveling expenses, and the Auditor is hereby authorized to issue warrants quarterly, upon taking the affidavit of the trustees as to the actual time employed, and their personal and traveling expenses.

APPROVED May 22, 1895.

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#### COUNTY NORMAL SCHOOLS.

*AN ACT to enable counties to establish county normal schools.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in each county adopting township organization, the board of supervisors, and in other counties the county court, may establish a county normal school for the purpose of fitting teachers for the common schools. That they shall be authorized to levy taxes and appropriate moneys for the sup-



port of said schools, and also for the purchase of necessary grounds and buildings, furniture, apparatus, etc., and to hold and acquire, by gift or purchase, either from individuals or corporations, any real estate, buildings or other property, for the use of said schools, said taxes to be levied and collected as all other county taxes: *Provided*, that in counties not under township organization, county courts shall not be authorized to proceed under the provisions of this act until the subject shall have been submitted to a vote of the people, at a general election, and it shall appear that a majority of all the votes cast on the subject, at said election, shall be in favor of the establishment of a county normal school. The ballots used in voting on this subject may read "For a county normal school," or "Against a county normal school."

§ 2. The management and control of said school shall be in a county board of education, consisting of not less than five or more than eight persons, of which board the chairman of the board of supervisors or the judge of the county court, as the case may be, and the county superintendent of schools, shall be *ex-officio* members. The other members shall be chosen by the board of supervisors or county court, and shall hold their offices for the term of three years. But at the first election one-third shall be chosen for one year, one-third for two years, and one-third for three years, and thereafter one-third shall be elected annually. Said election shall be held at the annual meeting of the board of supervisors in September, or at the September term of the county court, as the case may be.

§ 3. Said board of education shall have power to hire teachers, and to make and enforce all needful rules and regulations for the management of said schools. A majority of said board shall constitute a quorum for the transaction of business, and a meeting of said board may be called at any time by the president or secretary, or by any three of the members thereof. Said board shall proceed to organize, within twenty days after their appointment, by electing a president, who shall hold his office for one year, and until his successor shall be appointed. The county superintendent shall be, *ex-officio*, secretary of the board. Said board shall make to the board of supervisors, at their annual meeting in September, or to the county court at the September term, as the case may be, a full report of the condition and expenditures of said county normal school, together with an estimate of the expenses of said school for the ensuing year.

§ 4. Two or more counties may unite in establishing a normal school, in which case the per cent. of tax levied for the support of said school shall be the same in each county.

§ 5. In all counties that have already established normal schools, the action of the board of supervisors in so doing, and all appropriations made by them for their support, are hereby legalized, and said board of supervisors are hereby authorized and empowered to make further appropriations for the support of such schools already established, until such schools shall have been established under the previous sections of this act.

§ 6. No member of the aforesaid county board of education shall be entitled to compensation for services rendered as a member of such board.

§ 7. This act shall be in force from and after its passage.

APPROVED March 15, 1869.

#### THE ILLINOIS UNIVERSITY.

*AN ACT to provide for State scholarships in the University of Illinois, and the manner of awarding the same. Approved June 24, 1895. In force July 1, 1895.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That to equalize the advantages of the University of Illinois to all parts of the State, there shall be awarded annually, as hereinafter provided, to each county of the State one State scholarship, which shall entitle the holder thereof, who shall be a resident of the senatorial district to which he is accredited, to instruction in any or all departments of said University of Illinois for a term of four years, free from any charge for tuition or any incidental charge, unless such incidental charges shall have been made for materials used or for damages needlessly done to property of the University: *Provided*, that in counties having two or more senatorial districts, there shall be awarded annually one additional scholarship for each of said senatorial districts.

§ 2. A competitive examination under the direction of the Superintendent of Public Instruction shall be held at the county court house in each county of the State upon the first Saturday of June in each and every year by the county superintendent of schools, upon such branches of study as said Superintendent of Public Instruction and the President of said University may deem best.

§ 3. Questions for such examinations shall be prepared and furnished by the President of the University to the Superintendent of Public Instruction, who shall attend to the printing and distribution thereof to the several county superintendents of schools prior to such examinations.

§ 4. In case any candidate who shall be awarded a scholarship shall fail to pass the entrance examination to the University, or shall fail to claim the privileges of such scholarship, or, having claimed the privileges, shall be expelled, or for any reason shall abandon his right to, or vacate, such scholarship, either before or after entering thereupon, then the candidate certified to be next entitled in the same county shall become entitled to the same. In case any scholarship belonging to any county shall not be claimed by any candidate resident in that county, the Superintendent of Public Instruction may fill the same by ap-

pointing some candidate first entitled to a vacancy in some other county, after notice has been served upon the county superintendent of said first mentioned county.

§ 5. The county superintendents shall, within ten days after such examination, make and file in the office of the Superintendent of Public Instruction certificates, in which they shall name all the candidates examined, and specify the order of their excellence; and such candidates shall, in the order of their excellence, become entitled to the scholarships belonging to their respective counties. The examination papers handed in by each candidate shall also be filed with the certificate of examination.

§ 6. Candidates, to be eligible to said scholarship, shall be at least sixteen years of age, and shall have been *bona fide* residents of their respective counties for at least one year immediately preceding the examination.

§ 7. Any student holding a State scholarship, and who shall make it appear to the satisfaction of the President of the University that he requires leave of absence for the purpose of earning funds to defray his expenses while in attendance, may, in the discretion of the President, be granted such a leave of absence, and may be allowed a period not exceeding six years from commencement thereof for the completion of his course at said University.

§ 8. Notices of the time and place of the examination shall be given in the schools having pupils eligible thereto prior to the first day of January in each year. The Superintendent of Public Instruction shall attend to the giving of the notices hereinbefore provided for. He may, in his discretion, direct that the examination in any county may be held at some other time and place than that hereinbefore specified. He shall keep full records in his department of the reports of the different examiners, showing the age, post-office address and standing of each candidate, and shall notify candidates of their rights under this act. He is hereby charged with the general supervision and direction of all matters in connection with the filling of such scholarships. He shall determine any controversy which may arise under this act.

§ 9. Students enjoying the privileges of State scholarships shall, in common with other students of said University, be subject to all the examinations, rules and requirements of the board of trustees and faculty, except as herein provided.

§ 10. Nothing herein contained shall be construed to prevent the board of trustees of said University from granting such other free scholarships as in their discretion may be deemed best.

## SOME PRINCIPLES OF ILLINOIS SCHOOL LAW.

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TAKEN FROM THE TWENTY-FIRST BIENNIAL REPORT OF THE DEPARTMENT OF PUBLIC INSTRUCTION, WITH SUCH CHANGES AND ADDITIONS AS HAVE BEEN MADE NECESSARY BY LATE DECISIONS OF THE SUPREME COURT, AND BY THE SCHOOL ENACTMENTS OF THE FORTIETH GENERAL ASSEMBLY.

### APPEALS.

When petitions are presented for the formation of school districts out of territory belonging to several townships, each board of trustees must act on the petition. If one board refuses to grant it, the petitioners may appeal from the action of that board. An appeal must be taken from each board that refuses to grant the petition.

Pending an appeal, the children of parents residing in detached territory may attend school in the district to which they have been annexed by the trustees.

The failure of the township treasurer to send all the papers in the case, which the law directs him to send to the county superintendent of schools, in the time specified, does not defeat the appeal. The trustees or the county superintendent, on hearing of such neglect, should order that the papers be forwarded. Bateman's Decisions revised by Pillsbury, page 86.

### BOARD OF DIRECTORS—POWERS AND DUTIES.

To be eligible to the office of school director a person, either male or female, must be at least twenty-one years of age, able to read and write in the English language, a resident of the district; and such person must have resided in this State at least one year.

The law declares that no person is eligible to the office of school director and township trustee at the same time; but, if a school director is elected to the office of township trustee, he may resign his directorship and assume the duties of the other office.

A director can not delegate to another person the power to act as director.

When a school director moves out of the district, and is no longer a legal resident of it, he vacates the office of director, and the remaining members of the board, without delay, should call an election to fill the vacancy.



A bookseller may be elected as a school director, or as a member of a board of education; but, when he is elected, and accepts the office, and while he remains in such office, he can not, lawfully, sell school books or apparatus to pupils of his district. Both the constitution and the statutes of this State forbid any school officer to be interested in the sale of any books or apparatus to be used in the schools with which he is connected.

When the president of the board refuses to act as president, the other members may elect a presiding officer.

When two directors resign, the remaining director, legally, can call an election to fill vacancy, and it is his duty to do so.

The law requires that directors shall be the judges of district elections. Therefore, it is legal for a director to serve as judge, although he may be a candidate for re-election.

The law provides that all official business of the school district shall be transacted at a meeting of the board of directors. When board meetings are called, all members should receive due notice thereof.

Prior to the April election, a board of directors can not employ a teacher for a time extending beyond the end of the current school year.

Boards of directors have no right to build an addition to a school house without a vote of the people.

A board of directors does not have the right to purchase, build or move a school house without a vote of the people. It is necessary, therefore, to vote on the proposition to build before directors can lawfully appropriate funds for building purposes.

The board of directors can not, without a special agreement to that effect, legally compel a teacher to dismiss school for any period of time and to lose that time.

When school is dismissed by order of the district board, on account of contagious disease or other cause, the teacher is not required to lose the time, provided he holds himself in readiness during such vacation to perform his duties as teacher.

A board of directors has the right to determine what branches shall be taught in its schools. It can not, however, require teachers to teach branches not mentioned in the law, unless such branches are designated at the time the contract is made with the teacher.

A board of directors, in making a contract with a teacher, should not require such teacher to forfeit his right to attend institutes held under the direction of the county superintendent. The law plainly provides that it is the duty of school directors to allow teachers to dismiss their schools on institute days, provided that not more than five such days shall be so taken during the year, and not more than three during any one term.

The control and supervision of the school house is given to the board of directors, and the board may grant the temporary use of it, when such use does not interfere with the work of the school, to responsible persons, "for religious meetings and Sunday schools, for



evening schools and literary societies, and for such other meetings as the directors may deem proper." Those granted the use of the school house should be required to leave it in as good condition as they find it.

There is no provision of law whereby any part of the school funds may be paid to a director for services or expenses, except that a reasonable sum may be paid to the clerk for services actually performed as clerk.

The authority to decide all matters of residence is vested in school boards.

#### BOARD OF EDUCATION—POWERS AND DUTIES.

Section 2, article VI, of the School Law provides that when a district contains one thousand inhabitants, there shall be elected a board of education to consist of a president and six members. Whenever it is conclusively shown that a district contains the required population, it is the duty of the directors to call an election for a full board of education, to be held on the third Saturday in April first following.

The requirements of eligibility to the office of member of a board of education are the same as those specified for a school director.

Whenever a change is made from a board of directors to a board of education, an election must be called for six members and a president. The directors are not entitled to hold over as members of the new board, but they are eligible to membership in the new board, by election.

The school law provides that a board of education may select a clerk, but it does not require that he be selected from among the members of the board. The board may, therefore, select one of its number, or it may select a competent person who is not a member of the board, to act as secretary.

As the president of the board of education is not to vote, except in case of a tie, a working quorum of the board consists of a majority of the members of it, without counting the president in such majority.

The restraints, powers and duties of a board of education are similar to those of a board of directors, except that its powers are extended respecting the lengthening of the annual term of school, the employment of a superintendent, the examination of teachers, etc.

#### BONDS.

Custom requires that an official bond be given for double the amount of property valuation which the officer at any time may have in his possession. The board of trustees, or the county superintendent of schools may require the township treasurer to give a new bond whenever it is deemed necessary.

The fees for recording township treasurers' bonds should be paid out of the distributable funds by either the treasurer or the county superintendent.

The provision of the law limiting the bonded indebtedness of a district to five per cent. of its assessed valuation, is a constitutional one. While the district should not at any time pass that limit, it has the power, in addition thereto, to levy a tax of two per cent. for general school purposes, and three per cent. for building purposes, when a vote has been taken authorizing the board to build.

#### CALENDAR MONTH.

When another month is not specified in the contract with the teacher, the law defines the school month to be the calendar month. The law is not mandatory, so far as to take away the right and power of school officers and teachers to make a contract by the day, or week, or for a month or four weeks. When teaching by the calendar month, if the teacher begins with any date of a given month, his month of teaching includes all the school days until the same date of the succeeding month. The same rule is easily applied to a term of several months. When days are lost by the teacher, they can be made up after the expiration of the month or term, on actual school days, by consent of the school board.

#### CERTIFICATES.

The certificates of the State are of two kinds, one valid for life and the other for five years. These can be obtained, now, only on an examination under conditions prescribed by the State Superintendent of Public Instruction and the presidents of the State universities. No provision is made for renewing the State certificate, for granting it on possession of a diploma, or for endorsing the certificate of another state.

The county certificate is of two kinds, which are known as first grade and second grade certificates. These can be renewed by the endorsement of the county superintendent of schools. The longest period for which one can be given is two years, and the shortest is one year.

Every kindergarten teacher connected with the public schools must have a certificate as provided by law, certifying that the holder thereof has been examined upon kindergarten principles, and is competent to teach the same.

Every teacher of a class for the deaf in the public schools must have received specific instruction in the teaching of the deaf for a term of not less than one year, and must have a certificate, as provided by law.

No teacher, lawfully, can be paid public funds for teaching, even though he be an assistant or substitute teacher, unless he holds, during the time of his teaching, a license to teach given by a lawful authority.

## CORPORAL PUNISHMENT.

"Certain it is that castigation with the rod is often less cruel than sharp words, tones of irony, sarcasm or invective, and less humiliating and harmful than some of the substitutes therefor." Bateman's Decisions revised by Pillsbury, page 150.

Without a rule of the school board, the law permits teachers to punish children by whipping. It is held, however, that such punishment must be neither unreasonable nor excessive. The offense committed must be of such a nature as to justify this punishment.

A teacher, possibly, would not be justified in inflicting corporal punishment for misdemeanors committed by pupils while on the way to and from school. A school board, however, can suspend, or even expel, pupils for grave offenses in such cases.

## COUNTY SUPERINTENDENT—POWERS AND DUTIES.

Every elective office becomes vacant by the occupant ceasing to be an inhabitant of the State; or, if the office is local, by his ceasing to be an inhabitant of the district, county, town or precinct for which he was elected.—Revised Statutes, chapter 46, sec. 125.

Hence, the office of county superintendent of schools becomes vacant when the incumbent removes from the county, and it is the duty of the county board to fill the office by appointment.

It is the intention of the law that the county superintendent give his personal attention to his official duties. He can not, without the consent of the county board, legally deputize another person to visit schools in his stead. The assistant who visits schools receives his pay from the county treasury, not from the school funds.

The county superintendent's office expense should be paid from the distributable fund. After deducting his commission and paying the expense of advertising his examinations of teachers, he should distribute the residue of this fund to the townships.

In matters of controversy pertaining to schools, the county superintendent's opinion should first be obtained. If the parties interested are not satisfied with the decision, the law provides that the case may be appealed to the State Superintendent on a written statement of all the facts, certified by the county superintendent.

## COURSE OF STUDY AND ITS ENFORCEMENT.

A public school board is given power to make a course of study within the limits prescribed by law, and to enforce its observance.

The course of study should include "the branches of education prescribed in the qualifications for teachers," and it may comprise "such other branches, including vocal music and drawing, as the directors, or the voters of the district at the annual election of directors may prescribe."

The board has power, also, to classify pupils, directing in what order they shall pursue the various branches of the course of study,

insisting that they shall be able by mastery of preceding branches to do satisfactory work in those they pursue. Since, then, pupils may study no branch for which they are not prepared, and teachers and school boards are the judges of this preparation, these officers have available means, in the exercise of their power, to enforce the observance of their course of study to any reasonable extent.

But, if objection be made in good faith by parents to their children's pursuing some designated branches, through fear of overwork or for other good reasons, the parents are allowed to select the branches of the prescribed course for which their children are fitted.

Yet, every pupil will be busy in school, and if not employed in something helpful, he will be engaged in something harmful to himself and the welfare of the school. Hence, parents are expected to listen to the representatives of the school management, and not to ask for that which not only retards school progress, but, by measurably unfitting their children for promotion, takes them out of school prematurely. It is not well, ordinarily, to have a pupil excused from any branch of the prescribed course.

#### ELECTIONS.

Any person, male or female, who is at least twenty-one years of age, who can read and write in the English language, and who has resided in the State one year next preceding the election or appointment, is eligible to any school office.

All judges and clerks of school elections should be sworn in at or before the hour of opening the polls. Judges and clerks of school elections are not entitled to pay for their services, except in the few districts of the State which have adopted the special election law of 1885, and have, in consequence, a board of election commissioners appointed by the county court. These places are the cities of Chicago and East St. Louis, and the town of Cicero.

The law intends that there shall be an annual election in each township, and in each school district. If, then, on the day of the regular election the voters fail to appear, it becomes the duty of the judges to give the legal notice for a special election.

If the judges of a district election are fully satisfied that the person elected as director is ineligible, because he can not read and write, they are justified in refusing to certify to his election. Such a case would necessitate a new election.

The school law expressly provides that, when an election results in a tie, the judges shall decide, at once, by lot, who is elected. Provision is not made for taking a second ballot in such cases.

When two or more members of a district board are elected at the same time, and the voters make no distinction between long and short terms, the directors elected should decide by agreement or by lot on the number of years which each shall serve.

When the judges of a district election make the proper returns, certifying to the election of a certain person to the office of school

director, that person is entitled to hold the office and to perform its duties for the term for which he has been elected, or until the election has been declared illegal by a competent court. No power is given to a county superintendent or to the State Superintendent to declare an election illegal or to set it aside. Persons who contest the legality of an election must take their appeal to the county court.

A board of directors can not legally purchase, build or move a school house, build an addition to a school house or locate a site, without a vote of the district.

#### FUNDS.

Money levied for general school purposes may be used for building purposes after the district has voted to build, provided such fund is not needed for the current expenses of the school.

The law provides that when a district has surplus funds the township treasurer may loan such funds, if authorized to do so by a written notice signed by the directors of the district. The directors have power to decide whether or not such funds shall be loaned, but the conditions of such loans must be the same as those required in the loans of township funds.

The board of trustees is not authorized by law to invest the township fund in land, except in cases where it becomes necessary to take land for a debt due the township.

The board of trustees is not permitted to distribute any part of the permanent fund of the township. But the interest obtained from loaning it should be distributed at each semi-annual meeting of the board.

The trustees are liable when they permit the township treasurer to lend money contrary to the directions of law.

When a new district is formed it becomes necessary for the trustees to divide the property and funds as provided by law. No division of funds is contemplated, however, in cases where territory is detached from one district and added to another.

#### HOLIDAYS FOR SCHOOLS.

The law does not require a teacher to teach on Saturday, Sunday or a legal holiday for schools, nor can a teacher be required to teach on other days in place of said days on which he has closed school.

Legally, a teacher can not claim pay for a holiday unless that holiday occur during his term of teaching and on a school day. Hence, the day following a legal holiday which falls on Sunday is not a school holiday, unless it be given to the school by the school board, which has the power, under section 17 of article VII of the school law, to grant the school special holidays on proper occasions.

The legal holidays for schools in Illinois are New Year's day, Fourth of July, Christmas, the thanksgiving and fast days appointed by national or State authority, and the special holidays granted the school by the school board.



The commercial holidays, additional to these, which are designated in the statute, including the birthday anniversaries of Washington and Lincoln, "Memorial" and "Labor" days, are not legal school holidays, except as they are given to the school by the school board.

#### INSTITUTES.

Before making engagements to teach in institutes, instructors should secure license of the State Superintendent of Public Instruction. When the applicant for this license is not known, personally, to the State Superintendent, he should file testimonials of worthiness with his application. These recommendations should be signed by capable school men who are known to be reliable.

Institute funds should be carefully husbanded and expended only for the services of approved instructors and for other legitimate expense of the institute. The county superintendent receives his per diem from the Auditor for conducting the institute, and he is not entitled to commission on the institute fund.

The institute fund is provided to defray the expense of the annual institute, which the county superintendent is required to hold "at such time as the schools of the county are generally closed." It should not be used for any other purpose.

When teachers attend other institutes held by their county superintendent during term time, they may claim that their pay be not diminished for three days in any one term, or five days in any one school year, when this time has been actually spent in attendance on such institutes. A contract which forfeits this right is not in accord with the law, which says that such time "shall be considered time lawfully expended by such teacher in the service of the district where such teacher is employed, and no deduction of wages shall be made for such absences, and it shall be the duty of the school officers and boards of education to allow teachers to close their schools for such attendance upon institutes."

#### KINDERGARTEN SCHOOLS.

When authorized by a majority of all the votes cast at an election for that purpose, boards of directors and boards of education are empowered to establish kindergartens in connection with their school for the instruction of all children between the ages of four and six years. The expense incurred by such kindergarten instruction is to be met in the same way as provided for in the other grades and departments of the public schools.

#### OATH OF OFFICE.

While it would tend to uniformity if school officers should take an oath of office before entering on the duties of their office, the Supreme Court, in 79 Illinois, page 511, has decided that a township treasurer need not take an official oath on assuming office, and the

rule made by the court in that case seems to exempt, also, school trustees, school directors, and members of boards of education from taking such oath.

#### PETITIONS.

The courts have decided that a petition for change of school district boundaries must make a case on the face of it; that is, it must show that all the necessary requirements of the law have been complied with. Neither the trustees nor the county superintendent have any authority to change or amend a petition that is filed.

The courts have decided that, in the formation of a new district, the petition must show that the proposed district contains not less than ten families. Hence, the petition can not be granted if, in such formation, a district would be left with fewer than ten families.

The law makes no provision for a remonstrance against a petition. Remonstrances, therefore, have no legal standing before the board of trustees, and they do not in any way affect the validity of a petition. It may be proper in some cases to consider a remonstrance as evidence, the force of which may be determined by the trustees.

The law forbids that a change shall be made in the boundary of a school district in which a school filling the requirements of the law is kept, except the township in which the district is situated be re-districted, or the desire for the change be lawfully expressed by a designated number of voters living in the district. This desire for change can be expressed by the voters living in districts whose boundary lines it is proposed to change, legally, either by vote of the people, where the district contains a population of at least one thousand inhabitants, or by petition.

The law defines three classes of changes which may be thus effected:

First—A district may be divided to form two districts, or two or more districts may be consolidated to form one district.

Second—Territory may be detached from two or more districts to form a new district.

Third—Territory may be detached from one district and added to an adjoining district.

To effect these three classes of changes, the law describes three classes of petitions, and the courts hold that each class of petition is sufficient for the class of change for which the law designates it. Three classes of petition are not required to secure the consideration of a single change in district boundaries. One is sufficient when it complies with the conditions which the law specifies in order to meet the requirement which that class of petition is designed to effect.

The first class of petition—that signed “by a majority of the legal voters of each of the districts effected by the proposed change”—is sufficient for any change which the law allows. The law gives it unlimited application.

The second class of petition—that signed “by two-thirds of the legal voters living within certain territory described in the petition”—is sufficient when the purpose is to detach said territory from one district and to add it to another which is adjacent.

The third class of petition—that signed “by two-thirds of all the legal voters living within certain territory containing not less than ten families”—is sufficient for the purpose of asking that said territory be formed into a new district, provided that such action would not leave any district without ten families.

It should be observed that, outside of the first class of petitions, which is sufficient for any allowable change, the petition is competent only for the special purpose for which the law designates it.

The law does not design to change territory from one district to another, unless a desire for that change be expressed by at least a majority of the voters living within the territory whose attachment it is proposed to change; but, if a petition be allowed for any other purpose than that for which the law designates it, the will of the majority living in such territory can be disregarded.

The petition signed by two-thirds of the legal voters living within certain territory is sufficient only for the purposes for which it is designated, viz.: in one case to authorize action in the formation of a new district, and, in another case, to justify the detachment of territory from one district and the addition of it to an adjoining district; because the law couples this form of petition with this design. But this form of petition is not sufficient to justify the consolidation of districts, unless the two-thirds of the voters who have signed the petition include at least a majority of the voters in each of the districts to be joined. Much less is it sufficient to effect a double purpose, such as, at the same time and in the same act, the consolidation of two districts and the addition to this consolidation of part of a third district, unless the petition includes at least a majority of the voters of each of the two entire districts, and two-thirds of the voters of the territory of the third district involved in the proposed new district. For, if it were otherwise, it would be possible for a populous district to absorb less populous districts near it against their consent.

District A.	District B.	District C.
Voting population	Voting population	Voting population
400.	40.	20.

A, B and C may represent the territory of three districts having a population of 400, 40 and 20 voters, respectively. Now, if a petition signed by two-thirds of the voters living in A and B jointly, can justify a consolidation of these districts, three hundred voters of A and two voters of B are more than two-thirds of the voters of the entire territory of the two districts, and they would be able to sign a valid petition for this purpose. But the granting of a petition

signed in this way, in opposition to the wishes of nineteen-twentieths of the voters of B, possibly, would be in violation of the spirit of our laws. It would be even worse when the double action of consolidating these two districts and adding part of the territory of a third, C, to it, at the same time should be proposed in such petition.

#### PUPILS.

The law requires that the school board furnish a sufficient number of free schools to accommodate all the children of the district over six and under twenty-one years of age. It empowers school boards to rent suitable rooms for this purpose, when the school sittings of the district are insufficient. A suitable room, even outside of the district lines, may be rented, temporarily, when it is not possible to obtain a room within these lines.

Only the pupils who have legal residence in the district can claim tuition in the district, although the law provides for the instruction of non-resident pupils on district permits or by the payment of tuition fees.

It is held that children who have been apprenticed or adopted into another family, or have been placed permanently in the care of others, are entitled to claim a residence and free tuition in the district where they are located. It is held, also, that children who have no permanent home, but go from place to place, as they may be employed, are entitled to claim a residence in the district where they are living at the time when they enter school. This department, uniformly, has advised school boards to be liberal in their arrangements with indigent young persons who are struggling to obtain an education.

If pupils are sent to school for the entire day, they ought not to leave the school premises during the day without consent of the teacher. Pupils who go home for dinner are not under the direct control of the teacher until they return to the school grounds.

Pupils under twenty-one years of age who are graduates of the school in their district, have the right to return to it to review their studies, or to pursue such branches as are found in other courses from the one in which they graduated.

#### SCHOOL SITES.

Outside of a city of at least one hundred thousand inhabitants, and in one or two cities under special charters, a site for a school house can not be located without a vote of the district.

Hence, while the school board has power to decide when the school-house site is unnecessary, or unsuitable, or inconvenient for a school, if it wishes to enlarge or to change a school-house site, it is necessary for the board to have a vote of the district to obtain the required authority.

There is no provision of law whereby directors are compelled to call an election for the purpose of voting on the question of chang-



ing a school-house site. The board of directors has the right to determine whether or not an election is expedient.

If the school board, in submitting the choice of a school site to a vote of the district, does not limit the voters in their expression of preference, but allows each one to vote for such site as he prefers, and no site receives a majority of the votes cast, the directors have power to select a suitable school-house site, and should select the one most suitable for the whole district. But if the election is called to determine whether or not a specified site or sites shall be chosen, a majority of the votes cast is necessary to a selection, and the board can not locate the site without such majority vote; it should call another election.

When a district has held undisputed possession of a school-house site for a period of twenty years, it may retain possession of such site so long as the same is used for school purposes, even though the county records show no legal transfer of the site. In such a case the purchaser of adjoining property can not ignore the rights of the district.

When the owner of the site which has been legally selected will not sell it for a reasonable price, it may be obtained in the manner provided by law "for the exercise of the right of eminent domain." But no tract of land, outside of the limits of an incorporated city or village, situated within forty rods of the dwelling house of the owner of the land, can be taken for a school site without the owner's consent.

The titles to school-house sites should be vested in the board of township trustees for the use of the districts. When a site is leased for school purposes, the lease should be in the name of the board of township trustees for the use of the district.

#### STATE SUPERINTENDENT.

It should be remembered that the State Superintendent of Public Instruction has not power to revoke a certificate which has been issued by a county superintendent; nor can he issue a State certificate, except on examination, in accordance with lawful conditions determined by himself and the presidents of the State universities.

When a suit involving school matters has been instituted in court the questions at issue have passed beyond the control of the department of public instruction. Then it is not customary for the State Superintendent to give any further advice in such cases, as his opinion would not change the judgment of the court.

In matters pertaining to controversies arising in school districts, the opinion of the county superintendent should be obtained first. If his decision is not satisfactory, the interested parties may appeal to the State Superintendent on a written statement of facts presented by the county superintendent.



## TAXATION.

Outside of bonded indebtedness, the school law provides that the district school board may levy a tax of two per cent. for general school purposes and three per cent. for building purposes, making a total of five per cent. for all school purposes. If, however, no building tax is required, the tax levy should not exceed two per cent. of the assessed valuation of the property of the district.

## TEACHERS.

When a teacher makes a contract for a specified number of days of actual teaching for a month, such a contract has been construed to mean a contract by the day, and, under it, the teacher is not entitled to any benefit from holidays.

A teacher has the right to send home a child who is guilty of gross misconduct, but the power to expel a pupil rests solely with the school board.

A teacher is not compelled to lose the time when school is dismissed by order of the board of directors outside of the provisions of contract, and without the consent of the teacher.

Neither can the teacher make up time lost outside of the provisions of contract, without the consent of the school board. Time lost can be made up legally only on school days.

An assistant, or even a substitute teacher, must have a certificate to entitle him to draw public money.

A teacher must not be interested in the sale, proceeds or profits of any book, apparatus or furniture used, or to be used, in any school with which he may be connected.

## TEXT-BOOKS USED IN THE STUDY OF THE EFFECTS OF ALCOHOLIC DRINKS, ETC.

By the provisions of the act requiring and regulating the study of physiology and hygiene, it is the duty of school boards to furnish the books needed by the teachers and pupils in the study of the effects of alcoholic drinks and other narcotics.

## TOWNSHIP HIGH SCHOOL—FORMATION.

The territory constituting a township high school district may be composed: First, of the school or congressional township; second, of the congressional township which contains the greater part of the people of a city having a population of at least one thousand inhabitants and less than one hundred thousand, together with such parts of other congressional townships as contain the remaining part of the population of said city; and third, of such parts of two or more congressional townships as have been formed into a high school district on the terms of a written agreement made and signed by the boards of trustees of all the townships involved.

At least fifty voters of the high school district, constituted as mentioned above, sign a petition for an election for or against the establishment of a township high school, and file it with the township treasurers interested, at least fifteen days preceding the regular election of township trustees.

The treasurer with whom a petition is filed gives legal notice that, at the next regular election for trustees, an election for or against the establishment of a township high school will be held, at which the voters of the territory described may vote.

A majority of the votes cast at a duly called and legally conducted election for or against the establishment of a township high school, determines whether the school shall be established or not.

If, in the territory which it is proposed to form into a township high school district, there are more than two polling places at general elections, at least two polling places should be appointed for the high school election. Further, if the territory to be formed into a high school district lies in two or more congressional townships, the voters of this territory vote at polls appointed by their township trustees in their own congressional township. Enough polling places should be opened to accommodate properly all the voters who have a right to vote at the election.

As stated above, the election for or against the establishment of a township high school is held at the time of the regular election of a trustee. In counties which have township organization the election is held on the first Tuesday of April, provided the boundaries of the congressional and the political township are coincident; in all other cases the time of election is the second Saturday in April.

If the people of the proposed high school district have voted legally for the establishment of a high school, it becomes the duty of the board of trustees to call a special election on any Saturday within sixty days from the time of the election establishing the township high school, for the purpose of electing a township board of education, consisting of five members, whose duty it is to establish and maintain a township high school, as directed by law.

A high school district usually comprising territory included in other school districts is a separate and independent district, and may incur debts to the extent of five per cent. of the taxable value of the property within its limits, and may also issue bonds for the purpose of buying a site and building a school house, the same as any other school district, but all the indebtedness of such high school district must not exceed such five per cent.

Whenever the people of two or more congressional townships, or parts of two or more congressional townships, wish to coöperate in the establishment and maintenance of a high school, it is necessary that there be concurrent action of the several boards of trustees whose townships or parts of townships would be affected by the proposed change, in order to have the proposition submitted to the voters.

## TOWNSHIP TREASURER—POWERS AND DUTIES.

The term of the office of township treasurer expires in April of the even numbered years.

A person who is not a legal resident of the township is not eligible to the office of township treasurer.

Women are eligible to the office of township treasurer the same as to any other office under the general or special school laws of this State.

Before a township treasurer removes from the township, he should resign, in order that his successor may be appointed and may qualify in due time.

In the examination of the township treasurer's books and accounts, the county superintendent has the right to require the treasurer to produce balances to the credit of the school funds.

The township treasurer has no right to lend any part of the township or district funds for his own benefit.

It is the duty of the treasurer to lend such district funds as are not needed for immediate use, when requested in writing to do so by the district board.

A man who is a borrower of the township fund may be appointed, legally, as township treasurer, but, in case he accepts the appointment, he should pay off his own loan, without delay.

The township treasurer may require that district election returns be made in due form, but he has no power to decide on the legality or illegality of an election.

The township treasurer is not exempt from road labor, although trustees of schools, directors and members of boards of education are exempt. It may be presumed that this distinction arises from the fact that treasurers are paid for their services, while the other officials mentioned are not accorded any remuneration.

The law provides that the township treasurer shall pay all lawful orders issued on him. If, for any reason, he doubts the legality of an order presented to him, he has the right to refuse payment until the legality of such order is established.

## TRUANCY AND NON-ATTENDANCE.

It is presumed to have been the intention of the Legislature that the fines imposed by the provisions of this act should be paid to the district.

Under its provisions, children of legal school age (from 6 to 21 years), who are found loafing in public places or without employment, or any truant children who absent themselves from school, may be arrested by the truant officer and placed in charge of a teacher.

A pupil may be absent from school one or two days for good cause, and still his attendance may properly be considered consecutive.

There are three ways in which this law may be violated as far as the parent or guardian is concerned: First, it may be violated by not sending the child to school for sixteen weeks during the school year. Second, it may be violated by not requiring twelve of the sixteen weeks to be consecutive. Third, it may be violated by not beginning to send the child, if under ten years of age, to school at the beginning of the school year, and if above the age of ten years, not later than December first of said school year, or as soon thereafter as notice of the delinquency shall be received. Any one of these constitutes a violation of the law, and for any one of them the penalty may be inflicted, unless good cause can be shown to exist for such non-attendance.

Suit may be commenced under this law by the board of directors or board of education. A truant officer may make complaint in court as the agent of the school board.

#### TUITION.

Every proper person of school age is entitled to attend the public school of the district in which he has legal residence, without the payment of tuition fees, but he is not entitled to attend the school of any other district on this condition. This privilege depends on legal residence, not on a parent's or guardian's ownership of property.

Persons who move into a school district temporarily, just for the purpose of receiving the benefit of the public school of that district, are not entitled to such privilege free of charge. Only the real residents of the district can lawfully claim the right to send their children to its school without paying tuition.

District school boards are empowered to decide cases of questioned residence, for school purposes, and the decision is subject to reversal only by the courts.

A board of directors has the right to fix rates of tuition, and may require all pupils who are non-residents of the district to pay the amount fixed. The rate fixed should not be less than the *pro rata* cost of attendance in the room in which they are instructed. Neither should non-resident pupils be admitted when their attendance would restrict the advantages of resident pupils.

#### VACCINATION OF PUPILS.

The vaccination of pupils is not mentioned in the school law. Many school boards have heretofore considered, that under the direction of the State Board of Health, they had the right to make regulations admitting to school privileges only those who presented satisfactory evidence of vaccination. But the Supreme Court recently decided that "The Board of Health can not prescribe conditions upon which the citizens of the State may exercise rights guaranteed them by public law, and that the privilege of attending public school is theirs, given every child of proper age, and that nowhere is found a provision of law prescribing vaccination as a condition precedent to the exercise of such right."



From this decision it will be seen that a school board has no authority to suspend a pupil from school privileges because he is not vaccinated.

*In what way can school officers secure the vaccination of school children lawfully?*

School officers may use all their powers of persuasion, giving their influence in all reasonable ways to secure this result.

*Can public school funds be used to pay the expense of vaccinating pupils?*

The vaccination of pupils is not a part of the work of the public school, and public school funds can not be used, lawfully, to defray its expense.

While the State Superintendent is heartily in sympathy with the effort to secure the vaccination of all children of school age, and desires to encourage this effort to the extent of his power, he is assured that he needs to caution public school officers against hasty, injudicious, unjust and unlawful action in the premises. We must look to continued, consistent efforts in the right way, rather than to spasmodic and abrupt attempts, for the best results.

#### WOMEN AS VOTERS.

The legislative act, approved June 19, 1891, by which women were declared to be "entitled to vote" for "any officer of schools under the general or special school laws of this State," has been modified and defined by two decisions of the Supreme Court of Illinois:

*Women may not vote for a State or county superintendent of schools.*

According to the first decision, *Mary A. Ahren v. William J. English*, 139 Ill., 622, "the Legislature had or has no power or authority to invest her (woman) with the right to vote at an election held for a county superintendent of schools." The reason given by the court for this decision is, that the qualification of electors for offices specified in the constitution, being prescribed in that instrument, they can not be changed by the Legislature, or otherwise than by amendment of the constitution. This decision debars women (except the very few who may have the constitutional qualifications) from voting for a State or county superintendent of schools.

*They may vote for all other elective school officers.*

In the second decision, *Mary E. Plummer v. Oscar Yost*, 144 Ill., 68, it is held that women of twenty-one years of age or upwards, either native-born or naturalized citizens of the United States, who have resided in the State one year, in the county ninety days and in the school district thirty days next preceding an election for any officer of schools, can vote at that election, provided the officer to be elected is to hold a school office which is not specified in the constitution, but created by the Legislature in conformity with the power granted in the constitution. This construction allows women to vote for trustees of the University of Illinois.



In the elections in which only a part of the candidates named on the general ticket can be voted for by women, a separate ballot box can be provided by the judges of election to receive the ballots of women only.

*The vote of a woman, except it be for a school officer, or her signature to a petition for any purpose, has no legal force.*

Since the only authorization women have for voting or for exercising privileges in school affairs, not accorded them before the passage of the act of 1891, is contained in this act, and since this act does not extend their privileges beyond voting for certain officers of schools, it follows that their votes on the establishment of kindergartens or on other school questions, and their signatures to petitions for any purpose, have no legal force.

*Registration of women voters.*

Women voters must be registered in order to vote in cases only in which men who vote at the same election for the same officers must be registered. Registration is not required ordinarily of the electors of township trustees or members of a general school board, but it is required of those who vote for trustees of the University of Illinois. The manner of registering women does not differ from that of registering men.

*Three qualifications required.*

The law requires the voter to possess three qualifications, viz.: Citizenship, necessary age and residence. No preference is shown women over men in these respects; but by a statute of the United States (act approved Feb. 10, 1855) an alien-born woman becomes a citizen of the United States by reason of her marriage to a citizen of the United States. When such a woman possesses the requisite age and residence she should be allowed to vote.

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